

forth in the Department of Energy's regulation and guidance on contractor legal

management requirements, and that the costs and charges set forth herein are necessary."

## 2. Model Bill Format

| I. FOR FEES           |                                                      |                                    |               |              |                            |
|-----------------------|------------------------------------------------------|------------------------------------|---------------|--------------|----------------------------|
| Date of service       | Description of service<br>(see note 1 below)         | Name or<br>initials of<br>attorney | Approved rate | Time charged | Amount<br>(rate ×<br>time) |
| II. FOR DISBURSEMENTS |                                                      |                                    |               |              |                            |
| Date                  | Description of<br>disbursement<br>(see note 2 below) | Amount                             |               |              |                            |

**Note 1—Description of Service:** All fees must be itemized and described in sufficient detail and specificity to reflect the purpose and nature of the work performed (e.g., subject matter researched or discussed; names of participants of calls/meetings; type of documents reviewed).

**Note 2—Description of Disbursement:** Description should be in sufficient detail to determine that the disbursement expense was in accordance with all applicable Department policies on reimbursement of contractor legal costs and the terms of engagement between the contractor and the retained legal counsel. The date the expense was incurred or disbursed should be listed rather than the date the expense was processed. The following should be itemized: copy charge (i.e., number of pages times a maximum of 10 cents per page); fax charges (date, phone number and actual amount); overnight delivery (date and amount); electronic research (date and amount); extraordinary postage (i.e., bulk or certified mail); court reporters; expert witness fees; filing fees; outside copying or binding charges; temporary help (assuming prior approval).

**Note 3—Receipts:** Receipts for all expenses equal to or above \$75 must be attached.

2. The authority citation for Parts 928 and 952 continues to read as follows:

**Authority:** 42 U.S.C. 7101, *et seq.*; 40 U.S.C. 486(c); 50 U.S.C. 2401, *et seq.*; 42 U.S.C. 2201.

### PART 928—BONDS AND INSURANCE

3. Section 928.311–2 is added to read as follows:

**§ 928.311–2 Agency solicitation provisions and contract clauses. (Department coverage—paragraph (b)).**

(b) Cost reimbursement contracts for an amount exceeding \$10,000,000, involving work performed at facilities owned or leased by the Department, must use the clause at 952.228–1.

4. Part 944 is added to read as follows:

### PART 944—SUBCONTRACTING POLICIES AND PROCEDURES

**Authority:** 42 U.S.C. 7101 *et seq.*; 40 U.S.C. 486(c); 50 U.S.C. 2401 *et seq.*; 42 U.S.C. 2201.

### § 944.102 Policy. (Department coverage—paragraph (c)).

(c) Contractor purchases of litigation and other legal services are subject to the requirements in 10 CFR part 719 and this part 944 of 48 CFR (DEAR).

### PART 952—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

5. Section 952.228–1 is added to read as follows:

#### § 952.228–1 Insurance—Litigation and Claims.

As prescribed at 928.311–2(b), insert the clause at 970.5204–31. The contracting officer shall substitute these paragraphs of the clause:

(e) (2) For liabilities (and reasonable expenses incidental to such liabilities, including litigation costs) to third persons not compensated by insurance or otherwise without regard to and as an exception to the limitation of cost or limitation of funds clause of this contract.

(h) In addition to the cost reimbursement limitations contained in FAR 31.201–3 and DEAR 931.205–33, and notwithstanding any other provision of this contract, the contractor's liabilities to third persons, including employees but excluding costs incidental to workers' compensation actions, (and any expenses incidental to such liabilities, including litigation costs, counsel fees, judgments and settlements) shall not be reimbursed if such liabilities were caused by contractor managerial personnel's.

(j) (4) The term "contractor's managerial personnel" is defined in the Property clause in this contract.

### PART 970—DOE MANAGEMENT AND OPERATING CONTRACTS

6. The authority citation for Part 970 continues to read as follows:

**Authority:** Atomic Energy Act of 1954 (42 U.S.C. 2201); Department of Energy Organization Act (42 U.S.C. 7101, *et seq.*); and National Nuclear Security Administration Act (50 U.S.C. 2401, *et seq.*)

7. Section 970.5204–31 is amended by adding clause paragraph (m) to read as follows:

#### § 970.5204–31 Insurance—litigation and claims.

\* \* \* \* \*

(m) Reasonable litigation and other legal expenses are allowable when incurred in accordance with 10 CFR part 719, Contractor Legal Management Requirements, which includes a requirement to submit a Legal Management Plan within 60 days of execution of a contract, and if not otherwise made unallowable by law or the provisions of this contract.

10. Section 970.7103 is amended by adding paragraph (e) to read as follows:

#### § 970.7103 Contractor purchasing system.

\* \* \* \* \*

(e) Contractor purchases of litigation and other legal services are subject to the requirements in 10 CFR part 719, 48 CFR (FAR) part 44 and this subpart, 48 CFR (DEAR) 970.71.

[FR Doc. 00–26995 Filed 10–24–00; 8:45 am]

BILLING CODE 6450–01–P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2000–NM–214–AD]

RIN 2120–AA64

#### Airworthiness Directives; Airbus Model A310 Series Airplanes

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Airbus Model A310 series airplanes. This proposal would require repetitive detailed visual inspections to detect cracks propagating from the fastener holes that attach the left- and right-hand pick-up angles at frame 40 to the wing lower skin and fuselage panel, and

corrective actions, if necessary. This action is necessary to prevent reduced structural integrity of the airplane due to fatigue damage and consequent cracking of the pick-up angles at frame 40. This action is intended to address the identified unsafe condition.

**DATES:** Comments must be received by November 24, 2000.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2000-NM-214-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2000-NM-214-AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a

request to change the service bulletin reference as two separate issues.

- For each issue, state what specific change to the proposed AD is being requested.

- Include justification (*e.g.*, reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000-NM-214-AD." The postcard will be date stamped and returned to the commenter.

**Availability of NPRMs**

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2000-NM-214-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

**Discussion**

The Direction Generale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on all Airbus Model A310 series airplanes. The DGAC advises that, during unscheduled inspections of these airplanes, structural damage was found on the pick-up angles at the junction between the wing lower surface and the fuselage skin at frame 40. Investigation revealed that the maintenance requirements defined currently for Structural Significant Item (SSI) 57-10-19 in the A310 Airworthiness Limitations Items (ALI's) in Revision 2 of the A310 Maintenance Review Board (MRB) report are not sufficient to detect fatigue damage in a timely manner. Such fatigue damage could result in cracking of the pick-up angles at frame 40. This condition, if not corrected, could result in reduced structural integrity of the airplane.

**Explanation of Relevant Service Information**

Airbus has issued Service Bulletin A310-53A2111, Revision 01, dated June 21, 2000. The service bulletin describes procedures for repetitive detailed visual

inspections to detect cracks propagating from the fastener holes that attach the left- and right-hand pick-up angles at frame 40 to the wing lower skin and fuselage panel, and corrective actions, if necessary. The corrective actions include repair (drilling and reaming a crack stop hole in the pick-up angle, performing a Rototest inspection and repetitive detailed visual inspections, and replacing the pick-up angle with a new angle); or immediate replacement of any cracked angle with a new angle; as applicable. The DGAC classified this service bulletin as mandatory and issued French airworthiness directive 2000-209-310(B), dated June 14, 2000, in order to assure the continued airworthiness of these airplanes in France.

**FAA's Conclusions**

This airplane model is manufactured in France and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

**Explanation of Requirements of Proposed Rule**

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously.

**Cost Impact**

The FAA estimates that 47 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours per airplane to accomplish the proposed inspection, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$5,640, or \$120 per airplane, per inspection cycle.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The

cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

### Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

#### § 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

**Airbus Industrie:** Docket 2000–NM–214–AD.

**Applicability:** All Model A310 series airplanes, certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability

provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (g) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent reduced structural integrity of the airplane due to fatigue damage and consequent cracking of the pick-up angles at frame 40, accomplish the following:

### Inspections and Corrective Actions

(a) Perform a detailed visual inspection to detect cracks propagating from the fastener holes that attach the left-and right-hand pick-up angles at frame 40 to the wing lower skin and fuselage panel, at the time specified in paragraph (b), (c), (d), (e) or (f) of this AD, as applicable. Perform the actions in accordance with Figure 2, Sheet 1, "Synoptic Chart," of Airbus Service Bulletin A310–53A2111, Revision 01, dated June 21, 2000.

(1) If no cracking is found during the inspection required by paragraph (a) of this AD, repeat the detailed visual inspection thereafter at the interval specified in paragraph (a)(1)(i) or (a)(1)(ii) of this AD, as applicable.

(i) For Model A310–200 series airplanes: Except as provided by paragraph (d) of this AD, repeat the inspection thereafter at intervals not to exceed 1,000 flight cycles or 2,600 flight hours, whichever occurs first.

(ii) For Model A310–300 series airplanes: Except as provided by paragraph (d) of this AD, repeat the inspection thereafter at intervals not to exceed 850 flight cycles or 2,800 flight hours, whichever occurs first.

(2) If any cracking is found during the inspection required by paragraph (a) of this AD, prior to further flight, perform applicable corrective actions [including repair (drilling and reaming a crack stop hole in the pick-up angle, performing a Rototest inspection and repetitive detailed visual inspections at the time specified in the service bulletin, and replacing the pick-up angle with a new angle at the time specified in the service bulletin); or immediate replacement of any cracked angle with a new angle]. Perform the actions and repetitive inspections in accordance with Figure 2, Sheet 1, "Synoptic Chart," of Airbus Service Bulletin A310–53A2111, Revision 01, dated June 21, 2000.

**Note 2:** Accomplishment of the actions required by paragraph (a) of this AD in accordance with Airbus Service Bulletin A310–53A2111, dated April 21, 2000, is considered to be acceptable for compliance with the requirements of that paragraph.

### Compliance Times

(b) For Model A310–200 series airplanes: Except as provided by paragraphs (d), (e), and (f) of this AD, perform the initial

inspection at the later of the times specified in paragraphs (b)(1) and (b)(2) of this AD.

(1) Prior to the accumulation of 7,900 total flight cycles or 23,600 total flight hours, whichever occurs first.

(2) Within 700 flight cycles or 1,200 flight hours after the effective date of this AD, whichever occurs first.

(c) For Model A310–300 series airplanes: Except as provided by paragraphs (d), (e), and (f) of this AD, perform the initial inspection required by paragraph (a) of this AD at the later of the times specified in paragraphs (c)(1) and (c)(2) of this AD.

(1) Prior to the accumulation of 6,700 total flight cycles or 24,700 total flight hours, whichever occurs first.

(2) Within 700 flight cycles or 1,200 flight hours after the effective date of this AD, whichever occurs first.

(d) For airplanes that have accumulated more than 18,000 total flight cycles or 53,000 total flight hours as of the effective date of this AD: Perform the initial inspection required by paragraph (a) of this AD within 350 flight cycles or 600 flight hours after the effective date of this AD, whichever occurs first. Repeat the inspection thereafter at intervals not to exceed 350 flight cycles or 600 flight hours, whichever occurs first.

(e) For airplanes having manufacturer's serial number 0162 through 0326 inclusive, on which Airbus Service Bulletin A310–53–2014 has been accomplished prior to the effective date of this AD: The initial inspection threshold may be counted from the date of accomplishment of Airbus Service Bulletin A310–53–2014.

(f) For airplanes on which a pick-up angle has been replaced: For that pick-up angle only, the initial inspection threshold may be counted from the date of installation of the new pick-up angle.

**Note 3:** For the purposes of this AD, a detailed visual inspection is defined as: "An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required."

### Alternative Methods of Compliance

(g) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

**Note 4:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

**Special Flight Permits**

(h) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

**Note 5:** The subject of this AD is addressed in French airworthiness directive 2000-209-310(B), dated June 14, 2000.

Issued in Renton, Washington, on October 19, 2000.

**Donald L. Riggins,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 00-27432 Filed 10-24-00; 8:45 am]

BILLING CODE 4910-13-U

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 71**

[Airspace Docket No. 00-AAL-5]

**Proposed Revision of Class E Airspace; Gulkana, AK**

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This action revises Class E airspace at Gulkana, AK. The establishment of two new Area Navigation (RNAV) instrument approaches and the revision of the Very High Frequency (VHF) Omni-directional Radio Range (VOR) and Non-directional Radio Beacon (NDB) instrument approaches to runway (RWY) 14 and RWY 32 at Gulkana Airport, Gulkana, AK, have made this action necessary. Adoption of this proposal would result in the provision of adequate controlled airspace for Instrument Flight Rules (IFR) operations at Gulkana, AK.

**DATES:** Comments must be received on or before December 11, 2000.

**ADDRESSES:** Send comments on the proposal in triplicate to: Manager, Operations Branch, AAL-530, Docket No. 00-AAL-5, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513-7587.

The official docket may be examined in the Office of the Regional Counsel for the Alaskan Region at the same address.

An informal docket may also be examined during normal business hours in the Office of the Manager, Operations Branch, Air Traffic Division, at the address shown above and on the Internet at Alaskan Region's homepage at <http://www.alaska.faa.gov/at> or at address <http://162.58.28.41/at>.

**FOR FURTHER INFORMATION CONTACT:** Robert van Haastert, Operations Branch,

Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513-7587; telephone number (907) 271-5863; fax: (907) 271-2850; email: Robert.ctr.van-Haastert@faa.gov. Internet address: <http://www.alaska.faa.gov/at> or at address <http://162.58.28.41/at>.

**SUPPLEMENTARY INFORMATION:****Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commentors wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 00-AAL-5." The postcard will be date/time stamped and returned to the commentor. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the Operations Branch, Air Traffic Division, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

**Availability of Notice of Proposed Rulemaking's (NPRM's)**

An electronic copy of this document may be downloaded, using a modem and suitable communications software, from the FAA regulations section of the Fedworld electronic bulletin board service (telephone: 703-321-3339) or the **Federal Register's** electronic bulletin board service (telephone: 202-512-1661).

Internet users may reach the **Federal Register's** web page for access to recently published rulemaking documents at <http://>

[www.access.gpo.gov/su\\_docs/aces/aces140.html](http://www.access.gpo.gov/su_docs/aces/aces140.html).

Any person may obtain a copy of this NPRM by submitting a request to the Operations Branch, AAL-530, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513-7587. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the individual(s) identified in the **FOR FURTHER INFORMATION CONTACT** section.

**The Proposal**

The FAA proposes to amend 14 CFR part 71 by revising Class E airspace at Gulkana, AK, due to the establishment of two new RNAV instrument approaches and revision of the VOR and NDB instrument approach procedures to RWY 14 and RWY 32. The intended effect of this proposal is to provide additional controlled airspace for IFR operations at Gulkana, AK.

The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. The Class E airspace areas designated as Surface Areas are published in paragraph 6002 and the Class E airspace areas extending upward from 700 feet or more above the surface of the Earth are published in paragraph 6005 in FAA Order 7400.9H, *Airspace Designations and Reporting Points*, dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(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.