accordance with Boeing Alert Service Bulletin 747–53A2303, dated June 2, 1988, prior to the accumulation of 1,500 additional landings, provided that the non-repaired area is reinspected in accordance with paragraph A., above, at intervals not to exceed 100 landings.

F. For airplanes incorporating the preventative modification, as described in Boeing Alert Service Bulletin 747–53A2303, dated June 2, 1988, accomplish the inspections required by paragraph A., above, prior to the accumulation of 10,000 landings after the modification and thereafter at intervals notto exceed 5,000 landings. If cracks are found, repair in accordance with a method approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, prior to the next pressurized flight.

G. For the purposes of complying with this AD, the number of landings may be determined to equal the number of pressurization cycles where the cabin pressure differential was greater than 1.5 psi.

H. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

I. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

Note.—The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who may add any comments and then send it to the Manager, Seattle Aircraft Certification Office.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective March 31, 1989.

Issued in Seattle, Washington, on February 9, 1989.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 89–3902 Filed 2–17–89; 8:45 am]

BILLING CODE 4910–13–M

FEDERAL TRADE COMMISSION

16 CFR Part 4

Procedure and Practice; Miscellaneous Rules

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Commission amends § 4.10(g) of its Rules of Practice and Procedure. 16 CFR 4.10(g). This rule governs disclosure in administrative or judicial proceedings of material obtained by the Commission and it requires that notice be provided to the submitter prior to disclosure of such material. The Commission has determined that this notice requirement is broader than necessary to satisfy its statutory obligations and preserve the legitimate confidentiality interests of the submitter. The amended rule eliminates the notice requirement for material other than that specifically protected under sections 6(f) and 21 of the Federal Trade Commission Act, 15 U.S.C. 46(f), 57b–2. This amendment is intended to allow disclosure in administrative or judicial proceedings of publicly available or otherwise nonsensitive material that is not protected by statute without first notifying the submitter of such material. It will not affect the current parity of treatment accorded material submitted under compulsory process and material submitted voluntarily in lieu of compulsory process in response to informal access requests. Although this rule is effective immediately, the Commission invites comments. The Commission will review all comments received, and take whatever action, if any, it deems appropriate.

DATES: *Effective date:* The rule is effective February 21, 1989.

Comment date: Comments will be received until March 23, 1989.

ADDRESS: Send comments to Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Room 159, Washington, DC 20850.

FOR FURTHER INFORMATION CONTACT: Marc Schneider, Office of the General Counsel, (202) 326–2062.

SUPPLEMENTARY INFORMATION: The current rule provides that any material obtained by the Commission, including transcripts of oral testimony, may not be disclosed in Commission adjudicative or in court proceedings unless the submitter is first given an opportunity to obtain a protective or *in camera* order. This notice requirement is broader than necessary to comply with the statutory requirements of sections 6(f) and 21 of the Federal Trade Commission Act, 15 U.S.C. 46(f), 57b–2. The Act protects only certain types of information—specifically, material that is: (1) Obtained through compulsory process or voluntarily in lieu thereof (*see* sections 21 (b) and (f), 15 U.S.C. 57b–2 (b) and (f), and Rule 4.10(d)); (2) designated by the submitter as confidential (*see* section 21(c)(1), 15 U.S.C. 57b–2(c)(1), and Rule 4.10(e)); or (3) confidential commercial or financial information (*see* section 6(f), 15 U.S.C. 46(f), and Rule 4.10(a)(2)). The amendment limits the prior notice requirement of Rule 4.10(g) to material subject to the protections of sections 6(f) or 21. Under the amended rule, prior notice is no longer required when the material to be disclosed has not been designated as confidential, has not been submitted under compulsory process or voluntarily in lieu of compulsory process, and is not confidential commercial or financial information. The amended rule will prevent any unnecessary costs and delays caused by the prior notice requirement in the current rule.

List of Subjects in 16 CFR Part 4

Administrative practice and procedure, Nonpublic information.

16 CFR Part 4 is amended as follows:

PART 4—MISCELLANEOUS RULES

1. The authority for Part 4 continues to read as follows:

Authority: Sec. 6, 38 Stat. 721 (15 U.S.C. 46).

2. Section 4.10(g) is revised to read as follows:

§ 4.10 Nonpublic information.

* * * * *

(g) Material (including transcripts of oral testimony) obtained by the Commission:

(1) Through compulsory process or voluntarily in lieu thereof, and protected by sections 21 (b) and (f) of the Federal Trade Commission Act, 15 U.S.C. 57b–2 (b), (f), and 4.10(d) of this part; or

(2) That is designated by the submitter as confidential, and protected by section 21(c) of the Federal Trade Commission Act, 15 U.S.C. 57b–2(c), and § 4.10(e) of this part; or

(3) That is confidential commercial or financial information protected by section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and § 4.10(a)(2) of this part, may be disclosed in Commission administrative or court proceedings subject to Commission or court protective or *in camera* orders as appropriate. *See* §§ 1.18(b) and 3.45.

Prior to disclosure of such material or transcripts in a proceeding, the submitter will be afforded an opportunity to seek an appropriate protective or *in camera* order. All other material obtained by the Commission may be disclosed in Commission administrative or court proceedings at

the discretion of the Commission except where prohibited by law.

* * * * *

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 89-3768 Filed 2-17-89; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 2

[Docket No. RM87-34-000; Order No. 500-G]

Regulation of Natural Gas Pipelines After Partial Wellhead Decontrol; Order Denying Rehearing

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule; order denying rehearing.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is denying rehearing of Order No. 500-F. That order extended from December 31, 1988 to March 31, 1989, the deadline previously set in Order No. 500 for filing final tariff sheets to recover take-or-pay buyout and buydown costs under the alternative passthrough mechanism described in Order No. 500. Order No. 500-F also granted pipelines an exception to the deadline of March 31, 1989, for contracts in litigation on that date (53 FR 50924 (December 19, 1988)). Four petitions for rehearing were filed in this rulemaking docket. The Commission is denying the rehearing requests on the grounds that they are without merit or more properly addressed in the pending *Tennessee Gas Pipeline Co.* proceeding.

EFFECTIVE DATE: This order is effective February 8, 1989.

FOR FURTHER INFORMATION CONTACT: Richard O. Howe, Jr., Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 357-8274.

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the Federal Register, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in Room 1000 at the Commission's Headquarters, 825 North Capitol Street, NE., Washington, DC 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 357-8997. To access CIPS, set your communications software to use 300, 1200 or 2400 baud, full duplex, no parity, 8 data bits, and 1 stop bit. The full text of this order will be available on CIPS for 10 days from the date of issuance. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in Room 1000, 825 North Capitol Street, NE., Washington, DC 20426.

Before Commissioners: Martha O Hesse, Chairman; Charles G. Stalon, Charles A. Trabandt, Elizabeth Anne Moler and Jerry J. Langdon.

Order Denying Rehearing

Issued February 8, 1989.

In Order No. 500-F, 53 FR 50924 (Dec. 19, 1988), the Commission extended from December 31, 1988 to March 31, 1989, the deadline it had previously set in Order No. 500, 52 FR 30334 (Aug. 14, 1987), for the filing of final tariff sheets including all take-or-pay buyout or buydown costs eligible for recovery under the alternative passthrough mechanism described in Order No. 500. Order No. 500-F also granted pipelines an exception to the deadline of March 31, 1989, for contracts in litigation on that date, whereby pipelines may file by March 31, 1989, to include in their tariffs language permitting them to pursue the litigation to its natural end (of judgment and final appeal or settlement) and then to file to recover eligible costs resulting from these contracts under the equitable sharing mechanism of Order No. 500.

Four timely requests for rehearing of Order No. 500-F have been filed. Two of these requests—one filed by CNG Transmission Corporation (CNG) and the other, jointly, by Rochester Gas and Electric Corporation and Connecticut Natural Gas Corporation (Roc-Conn)—seek rehearing of Order No. 500-F only to the extent it applies to Tennessee Gas Pipeline Company's (Tennessee) Order No. 500 settlement, 42 FERC ¶ 61,175, *reh'g granted in part*, 43 FERC ¶ 61,329 (1988). By order issued December 16, 1988, 45 FERC ¶ 61,431, *modified*, 46 FERC ¶ 61,022 (1989), the Commission (subject to the leave of the United States Court of Appeals for the District of Columbia Circuit) extended to March 31, 1989, the deadline under Tennessee's settlement for Tennessee to file to recover take-or-pay buyout and buydown costs eligible for recovery under Order No. 500's alternative passthrough mechanism and granted Tennessee the same exception for contracts in litigation as was granted to pipelines in general by Order No. 500-F. Rehearing of the December 16, 1988, Tennessee order is pending before the Commission. In these circumstances, we find it more appropriate to address the issues raised here by CNG and Roc-Conn with respect to the Tennessee settlement in the pending proceeding involving rehearing of Tennessee's December 16, 1988 order and to deny their requests for rehearing here.

United Distribution Companies (UDC) argue that the Commission failed to provide any evidence to justify extending the deadline or a credible rationale for the creation of the litigation exception. The State of Michigan and the Michigan Public Service Commission (Michigan) assert that Order No. 500-F increases the likelihood of retroactive ratemaking by extending the period during which past take-or-pay costs are allowed to be recovered in current rates. Furthermore, Michigan argues that Order No. 500-F extends the discriminatory aspects of Order No. 500 insofar as interruptible transportation and sales customers will continue to escape totally the burden of sharing take-or-pay costs. In addition, Michigan asserts that the litigation exception permitting pipelines to file tariff language indefinitely extending the period during which they can impose cost sharing for take-or-pay contracts in litigation on March 31, 1989, contradicts the policy established in Order No. 500 that a pipeline may only file to recover "buyout and buydown costs actually paid as of the date of filing plus any similar costs which are known and measurable within the following nine months," 18 CFR § 2.104(c) (1988). Finally, Michigan, like CNG, asserts that Order No. 500-F is legally deficient in that it fails to provide a rationale for the litigation exception.

The issues raised on rehearing by UDC and Michigan are without merit and will be denied. Contrary to the assertions made by both, the Commission explained in Order No. 500-F that the short extension of the deadline date for filing final tariff sheets under Order No. 500's alternative passthrough mechanism was necessary and reasonable to permit pipelines and producers to bring to an orderly conclusion their settlement negotiations.

Prior to the issuance of Order No. 500-F, the Commission consistently permitted pipelines an exception from the Order No. 500 deadline in the case of contracts in litigation as of the deadline date. *See United Gas Pipe Line Co.*, 45