

case may grant a party's request and assign a case for E-Z Trial at his or her discretion. Such request shall be acted upon within fifteen days of its receipt by the Judge.

(d) *Time for filing complaint or answer under § 2200.34.* If a party has requested E-Z Trial or the Judge has assigned the case for E-Z Trial, the times for filing a complaint or answer will not run. If a request for E-Z Trial is denied, the period for filing a complaint or answer will begin to run upon issuance of the notice denying E-Z Trial.

§ 2200.204 Discontinuance of E-Z Trial.

(a) *Procedure.* If it becomes apparent at any time that a case is not appropriate for E-Z Trial, the Judge assigned to the case may, upon motion by any party or upon the Judge's own motion, discontinue E-Z Trial and order the case to continue under conventional rules. Before discontinuing E-Z Trial, the Judge will consult with the Chief Judge.

(b) *Party Motion.* At any time during the proceedings any party may request that the E-Z Trial be discontinued and that the matter continue under conventional procedures. A motion to discontinue must be in writing and explain why the case is inappropriate for E-Z Trial. All other parties will have seven days from the filing of the motion to state their agreement or disagreement and their reasons.

(c) *Ruling.* If E-Z Trial is discontinued, the Judge may issue such orders as are necessary for an orderly continuation under conventional rules.

§ 2200.205 Filing of pleadings.

(a) *Complaint and answer.* Once a case is designated for E-Z Trial, the complaint and answer requirements are suspended. If the Secretary has filed a complaint under § 2200.34(a), a response to a petition under § 2200.37(d)(5), or a response to an employee contest under § 2200.38(a), and if E-Z Trial has been ordered, no response to these documents will be required.

(b) *Motions.* A primary purpose of E-Z Trials is to eliminate, as much as possible, motions and similar documents. A motion will not be viewed favorably if the subject of the motion has not been first discussed among the parties.

§ 2200.206 Pre-hearing conference.

(a) *When held.* As early as practicable, the presiding Judge will order and conduct a pre-hearing conference. At the discretion of the Judge, the pre-hearing conference may be held in

person, or by telephone or electronic means.

(b) *Content.* At the pre-hearing conference, the parties will discuss the following: settlement of the case; the narrowing of issues; an agreed statement of issues and facts; defenses; witnesses and exhibits; motions; and any other pertinent matter. Except under extraordinary circumstances, any affirmative defenses not raised at the pre-hearing conference may not be raised later. At the conclusion of the conference, the Judge will issue an order setting forth any agreements reached by the parties.

§ 2200.207 Discovery.

Discovery, including requests for admissions, will only be allowed under the conditions and time limits set by the Judge.

§ 2200.208 Hearing.

(a) *Procedures.* The Judge will hold a hearing on any issue that remains in dispute at the conclusion of the pre-hearing conference. The hearing will be in accordance with subpart E of these rules, except for §§ 2200.71, 2200.73 and 2200.74 which will not apply.

(b) *Agreements.* At the beginning of the hearing, the Judge will enter into the record all agreements reached by the parties as well as defenses raised during the pre-hearing conference. The parties and the Judge then will attempt to resolve or narrow the remaining issues. The Judge will enter into the record any further agreements reached by the parties.

(c) *Evidence.* The Judge will receive oral, physical, or documentary evidence that is not irrelevant, unduly repetitious or unreliable. Testimony will be given under oath or affirmation. The Federal Rules of Evidence do not apply.

(d) *Reporter.* A reporter will be present at the hearing. An official verbatim transcript of the hearing will be prepared and filed with the Judge. Parties may purchase copies of the transcript from the reporter.

(e) *Oral and written argument.* Each party may present oral argument at the close of the hearing. Post-hearing briefs will not be allowed except by order of the Judge.

(f) *Judge's decision.* Where possible, the Judge will render his decision from the bench. Alternatively, within 45 days of the hearing, the Judge will issue a written decision. The decision will be in accordance with § 2200.90. If additional time is needed, approval of the Chief Judge is required.

§ 2200.209 Review of Judge's decision.

Any party may petition for Commission review of the Judge's

decision as provided in § 2200.91. After the issuance of the Judge's written decision or order, the parties may pursue the case following the rules in Subpart F.

§ 2200.210 Applicability of Subparts A through G.

The provisions of subpart D (except for § 2200.57) and §§ 2200.34, 2200.37(d)(5), 2200.38, 2200.71, 2200.73 and 2200.74 will not apply to E-Z Trials. All other rules contained in subparts A through G of the Commission's rules of procedure will apply when consistent with the rules in this subpart governing E-Z Trials.

Dated: April 25, 1995.

Ray H. Darling, Jr.,

Executive Secretary.

[FR Doc. 95-10604 Filed 4-28-95; 8:45 am]

BILLING CODE 7600-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers

33 CFR Part 322

Permits for Structures Located Within Shipping Safety Fairways

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Corps seeks comments on its proposal to change its rules regarding permits for the placement of temporary anchors, cables and chains for floating or semisubmersible drilling rigs within shipping safety fairways. Shipping safety fairways and anchorages are established on the Outer Continental Shelf by the U.S. Coast Guard to provide unobstructed approaches for vessels using U.S. ports. This initiative arises as a result of requests by offshore oil companies for exemptions to the provisions of the existing rule because drilling and production technologies have greatly extended the range of deepwater drilling and the 120 day time limits placed on temporary structures allowed within fairway boundaries may no longer be reasonable.

DATES: Written comments must be received on or before May 31, 1995.

ADDRESSES: Comments should be addressed to: HQUSACE, Attn: CECW-OR, Washington, DC 20314-1000.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph T. Eppard at (202) 761-1783.

SUPPLEMENTARY INFORMATION: Department of the Army permits are required for the construction of any structure in or over any navigable water