

f. Paragraph (d)(7) is redesignated as paragraph (d)(9).

g. New paragraphs (d)(7) and (d)(8) are added to read as set forth below.

h. In paragraph (e), the word "his" is removed and the words "the Judge's" added in its place.

i. In paragraph (e), the word "him" is removed and the words "the Judge" are added in its place both times the word "him" appears.

§ 1.173 Judges.

* * * * *

(d) * * *

(2) Set the time, place, and manner of any conference, set the manner of the hearing, adjourn the hearing, and change the time, place, and manner of the hearing;

* * * * *

(7) Require each party to provide all other parties and the Judge with a copy of any exhibit that the party intends to introduce into evidence prior to any hearing to be conducted by telephone or audio-visual telecommunication;

(8) Require that any hearing to be conducted by telephone or audio-visual telecommunication be conducted at locations at which the parties and the Judge are able to transmit and receive documents during the hearing;

* * * * *

§ 1.174 [Amended]

26. In § 1.174, paragraph (c) is amended by adding the words "or recording" immediately after the word "transcript".

SUBTITLE B—REGULATIONS OF THE DEPARTMENT OF AGRICULTURE

CHAPTER I—AGRICULTURAL MARKETING SERVICE

PART 47—RULES OF PRACTICE UNDER THE PERISHABLE AGRICULTURAL COMMODITIES ACT

27. The authority citation for part 47 is revised to read as follows:

Authority: 7 U.S.C. 499o; 7 CFR 2.17(a)(8)(xiii), 2.50(a)(8)(xiii).

§ 47.2 [Amended]

28. Section 47.2 is amended as follows:

a. In paragraph (c), the words "or her" are added immediately after the word "his".

b. In paragraph (e), the words "or her" are added immediately after the word "his".

c. In paragraph (f), the words "or her" are added immediately after the word "his".

d. In paragraph (h), the words "or her" are added immediately after the word "his".

§ 47.3 [Amended]

29. Section 47.3 is amended as follows:

a. In paragraph (b)(1), in the first sentence, the word "his" is removed and the words "the Director's" added in its place.

b. Paragraph (c) is revised to read as follows:

§ 47.3 Institution of proceedings.

* * * * *

(c) *Status of person filing informal complaint.* The person filing an informal reparation complaint shall not be a party to any disciplinary proceeding which may be instituted as a result of the informal reparation complaint. The person filing an informal reparation complaint shall have no legal status in the reparation proceeding, except as he or she may be subpoenaed as a witness or deposed without expense to him or her.

§ 47.4 [Amended]

30. In section 47.4, paragraph (b)(2) is amended by removing the words "of this part".

§ 47.5 [Amended]

31. Section 47.5 is amended by removing the words "of these regulations in this part" and "of the regulations in this part" and revising the last sentence to read as follows:

§ 47.5 Scope and applicability of rules of practice.

* * * In addition, except to the extent that they are inconsistent with §§ 1.130 through 1.151 of this chapter, §§ 47.1 through 47.5 and 47.46 are also applicable to procedures governing the filing and disposition of formal complaints and other moving papers relating to administrative proceedings to enforce the Act pursuant to §§ 1.130 through 1.151 of this chapter.

§ 47.11 [Amended]

32. Section 47.11 is amended as follows:

a. In paragraph (b), in the second sentence, the word "he" is removed and the words "the Secretary" are added in its place.

b. In paragraph (c), in the introductory language, the words "elsewhere in the regulations" are removed.

c. In paragraph (c), in the introductory language, the words "or her" are added immediately after the word "him".

d. Paragraph (c)(2) is revised to read as set forth below.

e. Paragraph (c)(9) is redesignated as (c)(13).

f. New paragraphs (c)(9), (c)(10), (c)(11), and (c)(12) are added to read as set forth below.

g. In paragraph (d), the word "him" is removed and the words "the examiner" added in its place.

§ 47.11 Examiners.

* * * * *

(c) * * *

(2) Set the time, place, and manner of the hearing, adjourn the hearing, and change the time, place, and manner of the hearing;

* * * * *

(9) Require each party to provide all other parties and the examiner with a copy of any exhibit that the party intends to introduce into evidence prior to any hearing to be conducted by telephone or audio-visual telecommunication;

(10) Require each party to provide all other parties with a copy of any document that the party intends to use to examine a deponent prior to any deposition to be conducted by telephone or audio-visual telecommunication;

(11) Require that any hearing to be conducted by telephone or audio-visual telecommunication be conducted at locations at which the parties and the examiner are able to transmit and receive documents during the hearing;

(12) Require that any deposition to be conducted by telephone or audio-visual telecommunication be conducted at locations at which the parties are able to transmit and receive documents during the deposition;

* * * * *

§ 47.12 [Amended]

33. Section 47.12 is amended by removing the word "he" and adding the words "the petitioner" each of the three times the word "he" appears.

§ 47.13 [Amended]

34. Section 47.13 is amended as follows:

a. In paragraph (a)(1), the words "or recording" are added immediately after the word "transcript".

b. Paragraph (b) is revised to read as follows:

§ 47.13 Motions and requests.

* * * * *

(b) *Certification to the Secretary.* The submission or certification of any motion, request, objection, or other question to the Secretary prior to transmittal of the record to the Secretary as provided in this part shall be made by and in the discretion of the examiner. The examiner may either rule upon or certify the motion, request, objection, or other question to the Secretary, but not both.