

expected to attend the hearing must be accompanied by a memorandum in support of the motion stating the basis for the motion and the circumstances that require the hearing to be conducted other than by audio-visual telecommunication.

(c) Within 10 days after the presiding officer issues a notice stating the manner in which the hearing is to be conducted, any party may move that the presiding officer reconsider the manner in which the hearing is to be conducted. Any motion for reconsideration must be accompanied by a memorandum in support of the motion stating the basis for the motion and the circumstances that require the hearing to be conducted other than in accordance with the presiding officer's notice.

(d) Upon assignment of the matter for oral hearing, the presiding officer shall make the official file a part of the records of the proceeding and shall provide the petitioner with a copy of the official file.

§ 47.56 [Amended]

50. Section 47.56 is amended as follows:

a. Paragraph (b) is revised to read as set forth below.

b. Paragraphs (g) and (h) are redesignated as paragraphs (i) and (j) respectively.

c. New paragraphs (g) and (h) are added to read as set forth below.

§ 47.56 Powers of presiding officer.

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

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(g) Require each party to provide all other parties and the presiding officer 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;

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

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§ 47.58 [Amended]

51. Section 47.58 is amended as follows:

a. In paragraph (b), the words "or recording" are added immediately after the word "transcript" both times the word "transcript" appears.

b. In paragraph (f), the words "or recording" are added immediately after

the word "transcript" both times the word "transcript" appears.

c. Paragraphs (a), (b), (c), (d), (e), and (f) are redesignated as (b), (c), (d), (e), (f), and (g) respectively.

d. A new paragraph (a) is added to read as follows:

§ 47.58 Evidence.

(a) *Written statements of direct testimony.* (1) Except as provided in paragraph (a)(2) of this section, each party must exchange with all other parties a written narrative verified statement of the oral direct testimony that the party will provide at any hearing to be conducted by telephone; the direct testimony of each employee or agent of the party that the party will call to provide oral direct testimony at any hearing to be conducted by telephone; and the direct testimony of each expert witness that the party will call to provide oral direct testimony at any hearing to be conducted by telephone. The written direct testimony of witnesses shall be exchanged by the parties at least 10 days prior to the hearing. The oral direct testimony provided by a witness at a hearing conducted by telephone will be limited to the presentation of the written direct testimony, unless the presiding officer finds that oral direct testimony which is supplemental to the written direct testimony would further the public interest and would not constitute surprise.

(2) The parties shall not be required to exchange testimony in accordance with this paragraph if the hearing is scheduled to begin less than 20 days after the presiding officer's notice stating the time of the hearing.

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§ 47.59 [Amended]

52. Section 47.59 is amended as follows:

a. The section heading is revised to read "*Filing transcripts or recordings and exhibits.*"

b. In section 47.59, the words "or recording" are added immediately after the word "transcript" each of the five times the word "transcript" appears.

§ 47.60 [Amended]

53. Section 47.60 is revised to read as follows:

§ 47.60 Transcript or recording.

(a) Hearings to be conducted by telephone shall be recorded verbatim by electronic recording device. Hearings conducted by audio-visual telecommunication or the personal attendance of any individual who is expected to participate in the hearing

shall be transcribed, unless the presiding officer finds that recording the hearing verbatim would expedite the proceeding and the presiding officer orders the hearing to be recorded verbatim. The presiding officer shall certify that to the best of his or her knowledge and belief any recording made pursuant to this paragraph with exhibits that were accepted into evidence is the record of the hearing.

(b) If a hearing is recorded verbatim, a party requests the transcript of a hearing or part of a hearing, and the presiding officer determines that the disposition of the proceeding would be expedited by a transcript of the hearing or part of a hearing, the presiding officer shall order the verbatim transcription of the recording as requested by the party.

(c) Parties to the proceeding who desire a copy of the transcript or recording of the hearing may place orders at the hearing with the reporter who will furnish and deliver such copies direct to the purchaser upon payment therefore at the rate provided by the contract between the reporter and the Department for such reporting services.

§ 47.62 [Amended]

54. In § 47.62, the last sentence is amended by removing the words "of this part".

PART 50—RULES OF PRACTICE GOVERNING WITHDRAWAL OF INSPECTION AND GRADING SERVICES

55. The authority citation for part 50 is revised to read as follows:

Authority: 7 U.S.C. 1621 *et seq.*; 7 CFR 2.35, 2.41.

56. Part 50 is revised to read as follows:

PART 50—RULES OF PRACTICE GOVERNING WITHDRAWAL OF INSPECTION AND GRADING SERVICES

Subpart A—General

Sec.

50.1 Scope and applicability of rules of practice.

Subpart B—Supplemental Rules of Practice

50.10 Definitions.

50.11 Conditional withdrawal of service.

50.12 Summary suspension of service.

Subpart A—General

§ 50.1 Scope and applicability of rules of practice.

(a) The Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes set forth in §§ 1.130