$201.88  Postponement or change of
place by presiding officer.

If, in the judgment of the presiding
officer, convenience or necessity so re-
quires he may postpone the time or
change the place of hearing.

$201.89  Disqualification of presiding
officer.

Any presiding officer may at any
time withdraw if he deems himself dis-
qualified, in which case another pre-
siding officer will be designated. If a
party to a proceeding, or his represent-
ative, files in good faith a timely and
sufficient affidavit of personal bias or
disqualification of a presiding officer,
the Administration will determine the
matter as a part of the record and deci-
sion in the case.

Subpart I—Summary Disposition
(Rule 9)

$201.91  Filing of motions, answers.

Any party or (if a petition to inter-
vene shall have been filed but not have
been acted upon) any prospective party
may at or before the first prehearing
conference in any proceeding, or at
such later time as might be allowed by
the presiding officer, move with sup-
porting affidavits for a summary dis-
position in his favor of all or any part
of the proceeding. Any adverse party
may within 20 days serve opposing affi-
davits or may countermove for sum-
mary disposition. Oral argument there-
on may be granted in the discretion of
the presiding officer.

$201.92  Ruling on motion.

The presiding officer may grant such
motion if the application, motion, or
other pleadings, affidavits or deposi-
tions, if any, and matters of official no-
tice show that there is no genuine issue
as to any material facts, that there is
no necessity that further facts be de-
developed in the record, and that such
party is entitled to a decision as a mat-
ter of law.

$201.93  Review of ruling, appeal.

The order of the presiding officer de-
nying a motion for summary disposi-
tion shall be subject to interlocutory
appeal under the provisions of §201.123.
An order granting a motion for sum-
mary disposition is automatically re-
viewable by the Administration in ac-
cordance with the provisions of §201.133
and shall not be final until acted upon
by the Administration.

Subpart J—Prehearing Conference;
Settlements; Procedural Agreements
(Rule 10)

$201.101  Prehearing conference.

Prior to any hearing a prehearing
conference may be held before the pre-
siding officer. Written notice of a pre-
hearing conference shall be trans-
mitted by the Secretary of the Admin-
istration or the Chief Hearing Exam-
iner to all parties of record including
persons whose petitions for leave to in-
tervene in the proceeding have not