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

of the United States pursuant to Section 10 of the Rivers and Harbors Act of 1899 (30 Stat. 1151; 33 U.S.C. 403). This authority was extended to artificial islands and fixed structures located on the Outer Continental Shelf (OCS) by section 4(f) of the Outer Continental Shelf Lands Act of 1953 (67 Stat. 463; 43 U.S.C. 1333(e)).

Background

Pursuant to the cited authorities, the Corps promulgated regulations in 33 CFR 209.135 establishing shipping safety fairways in the Gulf of Mexico to provide obstruction-free routes for vessels in approaches to United States ports. The Corps provided these obstruction-free routes by denying permits for structures within certain designated lanes. In 1978, the Ports and Waterways Safety Act (PWSA), was amended to delegate authority to the Department of Transportation and the Commandant, U.S. Coast Guard to establish vessel routing measures, including fairways and fairway anchorages. In accordance with the PWSA, the Coast Guard completed the required studies and published final rules establishing shipping safety fairways on May 13, 1982. The Corps subsequently revoked its fairway regulations in § 209.135(d) but retained paragraph (b), which contains the conditions under which the nationwide permit for oil exploration and production structures on the OCS (33 CFR 330.5(a) (8)), was issued. On November 13, 1986, the Corps fairway regulations were repromulgated in 33 CFR 322.5(l) to consolidate all permit regulations for structures in the same part.

When the regulations allowing temporary structures within fairways were promulgated by the Corps in 1981, deepwater drilling occurred in water depths of 300 to 600 feet. At that time the limitation of 120 days that temporary anchors would be allowed within fairways was considered reasonable. If the exploratory well was successful, a conventional fixed production platform would be used and there would be no further need to maintain the anchors within the fairway. Presently, according to offshore hydrocarbon exploration and production companies, technology has extended the range of deepwater drilling to water depths of 1,000 to 4,000 feet. As a result, drilling times have increased and production methods have changed. Accordingly, the limitation on the length of time (120 days), that an anchor is allowed within a fairway may not be appropriate, particularly in water depths in excess of 600 feet. The industry has available many types of production platforms, including floating production systems that are anchored in place during the productive life of the reserves and then moved to a new location. In water depths greater than 600 feet, the floating production platform becomes an important production option and in water depths greater than 1,000 feet these units are essential. In many instances, the only obstacle to using this type of system to drill and produce hydrocarbons is the location of a fairway. Current regulations require that the production system be placed at great distance from the fairway in order to keep the anchors clear of the fairway. The result is that there may be hydrocarbon bearing lease areas that cannot be effectively penetrated and produced. It should be noted that if this proposal is adopted, the requirement that the rig must be situated as necessary to insure that the minimum clearance over an anchor line within a fairway is 125 feet, will not be changed. In addition, these proposed amendments are not intended to allow drilling structures within the fairways.

On July 7, 1994, we published an advance notice of proposed rulemaking in the **Federal Register**, soliciting comments on four separate options concerning this matter. The options presented in the ANPRN were: (1) Take no action; (2) Remove the 120-day time restrictions when water depths exceed 600 feet; (3) Require an individual permit for any structure that will remain within a fairway for 120 days or longer, or (4) Require an individual permit for any structure within a fairway. We received 18 letters in response to the ANPRN and we sincerely appreciate those commenters taking the time and effort to provide their input and recommendations on this important matter. Based on our review of the original request(s) to amend the regulations and the responses to the ANPRN, we have decided to propose the amendments in option 2 that would remove the-120 day time limit when water depths at the drilling location exceed 600 feet. At this time it has not been demonstrated by facts and technical information presented that the other options would provide a greater margin of safety for vessels operating in the fairways, with or without the time limits while accommodating current production platforms. We strongly recommend that any technical data available to support a position of whether or not to make this proposed change, be included with any comments submitted. The following is the text in 33 CFR 322.5(l)(1) (*Existing*);

(l) * * * (1) *Shipping safety fairways and anchorage areas.* DA permits are required for structures located within shipping safety fairways and anchorage areas established by the U.S. Coast Guard. (1) The Department of the Army will grant no permits for the erection of structures in areas designated as fairways, except that district engineers may permit temporary anchors and attendant cables or chains for floating or semisubmersible drilling rigs to be placed within a fairway provided the following conditions are met:

(i) The installation of anchors to stabilize semisubmersible drilling rigs within fairways must be temporary and shall be allowed to remain only 120 days. This period may be extended by the district engineer provided reasonable cause for such extension can be shown and the extension is otherwise justified.

(ii) Drilling rigs must be at least 500 feet from any fairway boundary or whatever distance necessary to insure that minimum clearance over an anchor line within a fairway will be 125 feet.

(iii) No anchor buoys or floats or related rigging will be allowed on the surface of the water or to a depth of 125 feet from the surface, within the fairway.

(iv) Drilling rigs may not be placed closer than 2 nautical miles of any other drilling rig situated along a fairway boundary, and not closer than 3 nautical miles to any drilling rig located on the opposite side of the fairway.

(v) The permittee must notify the district engineer, Bureau of Land Management, Mineral Management Service, U.S. Coast Guard, National Oceanic and Atmospheric Administration and the U.S. Navy Hydrographic Office of the approximate dates (commencement and completion) the anchors will be in place to insure maximum notification to mariners.

(vi) Navigation aids or danger markings must be installed as required by the U.S. Coast Guard.

(2) * * *

Today, we are proposing to amend 33 CFR 322.5(l) by removing t he word ''temporary'', making it clear by restructuring the sentences that drilling rigs, including floating or semisubmersible drilling rigs, are not allowed within fairway boundaries and adding a sentence to paragraph (l)(1)(i) to eliminate time restrictions on temporary and permanent anchors, attendant cable and chains within fairways when water depths exceed 600 feet. Such anchors, attendant cable and chains must be for floating or semisubmersible exploratory or production drilling rigs only. In areas where water depths are less than 600 feet, the time limit of 120 days continues to apply.

Regulatory Analyses and Notices

The Corps has determined in accordance with E.O. 12866 that this proposed rule is not a major rule. It will

not result in an annual effect on the economy of $100 million or more. There will be no major increase in costs or prices for consumers; individual industries, Federal, State or local Governments or geographic regions. It will not have a significant adverse effect on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Pursuant to the Regulatory Flexibility Act, Pub. L. 96–354, I certify that this rule if finalized will not have a significant economic effect on a substantial number of small entities as the rule would remove a restriction allowing access to areas to on the Outer Continental Shelf previously unavailable.

List of Subjects in 33 CFR Part 322

Continental shelf, Electric power, Navigation, Water pollution control, Waterways.

In consideration of the above, the Corps of Engineers is proposing to amend part 322 of title 33, as follows:

PART 322—PERMITS FOR STRUCTURES OR WORK IN OR AFFECTING NAVIGABLE WATERS OF THE UNITED STATES

1. The authority citation for part 322 continues to read as follows:

Authority: 33 U.S.C. 403.

2. Section 322.5 is amended by revising the introductory text of paragraph (l)(1), adding a new paragraph (l)(1)(i); redesignating the existing paragraphs (l)(1)(i) as (l)(1)(ii), (l)(1)(ii) as (l)(1)(iii), (l)(1)(iii) as (l)(1)(iv), (l)(1)(iv) as (l)(1)(v), (l)(1)(v) as (l)(1)(vi) and (l)(1)(vi) as (1)(vii), and revising newly redesignated (l)(1)(ii) to read as follows:

§ 322.5 Special policies.

* * * * *

(1) *Shipping safety fairways and anchorage areas.* * * *

(1) The Department of the Army will grant no permits for the erection of structures in areas designated as fairways, except that district engineers may permit anchors and attendant cables or chains for floating or semisubmersible drilling rigs to be placed within a fairway provided the following conditions are met:

(i) The purpose of such anchors and attendant cables or chains as used in this section is to stabilize floating or semisubmersible drilling rigs which are located outside the boundaries of the fairway.

(ii) In water depths of 600 feet or less, the installation of anchors and attendant cables or chains within fairways must be temporary and shall be allowed to remain only 120 days. This period may be extended by the district engineer provided reasonable cause for such extension can be shown and the extension is otherwise justified. In water depths greater than 600 feet, time restrictions on anchors and attendant cables or chains located within a fairway, whether temporary or permanent, shall not apply.

* * * * *

Dated: April 20, 1995.

Gary W. Wright,

Colonel, U.S. Army, Executive Director of Civil Works.

[FR Doc. 95–10457 Filed 4–28–95; 8:45 am]

BILLING CODE 3710–92–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 122–1–6982b; FRL–5198–6]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Santa Barbara County Nonattainment Area, Transportation Control Measure Replacement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the California State Implementation Plan (SIP) which concern a transportation control measure (TCM) to be implemented in the Santa Barbara County ozone nonattainment area.

The intended effect of proposing approval of this SIP revision is to control emissions of ozone precursors in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). In the Final Rules section of this **Federal Register**, the EPA is approving the state's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for this approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed rule must be received in writing by May 31, 1995.

ADDRESSES: Written comments on this action should be addressed to: Deborah Schechter, Mobile Source Section (A–2–1), Air and Toxics Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105.

Copies of the SIP revision and EPA's evaluation of the SIP are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted SIP revision are also available for inspection at the following locations:

California Air Resources Board, 2020 ''L'' Street, Sacramento, CA 92123.

Santa Barbara County Air Pollution Control District, 26 Castillian Drive B–23, Goleta, CA 93117.

FOR FURTHER INFORMATION CONTACT: Deborah Schechter, Mobile Source Section, A–2–1, Air and Toxics Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1227).

SUPPLEMENTARY INFORMATION: This document concerns a revision to the California SIP to implement TCM–5, Improve Commuter Public Transit Service, in the Santa Barbara County ozone nonattainment area and to delete a TCM from the 1982 California ozone SIP for Santa Barbara County. Because Santa Barbara County is already implementing portions of TCM–5 and the funding and schedules for the remainder of the TCM have been programmed into the Federal Transportation Improvement Program for Santa Barbara County, and because the State submitted a fully approvable SIP revision, the EPA has decided to take direct final action approving the submittal in to the California SIP. For further information, please see the information provided in the direct final action which is located in the Rules Section of this **Federal Register**.

Authority: 42 U.S.C. 7401–7671q.

Dated: April 19, 1995.

Jeff Zelikson,

Acting Regional Administrator.

[FR Doc. 95–10614 Filed 4–28–95; 8:45 am]

BILLING CODE 6560–50–P