

papers, or other tangible things at a designated time or place; and

(5) Explanation of the procedure in § 148.279 and paragraph (e) of this section for quashing a subpoena.

(c) Unless otherwise authorized by the administrative law judge, a subpoena must be served in accordance with Rule 45 of the Federal Rules of Civil Procedure.

(d) A subpoenaed witness is paid the same fees and mileage paid to witnesses subpoenaed in District Courts of the United States. The person requesting a subpoena must pay the fees and mileage.

(e) Any motion to quash a subpoena must be submitted within seven days after service of the subpoena.

(f) If a person does not comply with a subpoena and the administrative law judge on motion rules that good cause has been shown for seeking judicial enforcement of a subpoena, he refers his ruling to the Commandant.

§ 148.283 Hearing date.

(a) The administrative law judge schedules the formal hearing by issuing a notice to the parties.

(b) The clerk mails or delivers a copy of the notice to any person who requests it.

§ 148.285 Reporter: transcript; corrections.

(a) The reporter for a formal hearing is arranged for by the clerk. The reporter prepares a verbatim transcript of the hearing under the supervision of the administrative law judge. Nothing may be deleted from the transcript unless ordered by the administrative law judge and noted in the transcript.

(b) After a formal hearing is completed, the administrative law judge certifies and forwards the transcript to the clerk for docketing.

(c) At any time within 20 days after the transcript is docketed, the administrative law judge may make corrections to the certified transcript. Corrections when filed are attached to the transcript as appendices. Any motion to correct the transcript must be submitted within ten days after the transcript is docketed.

§ 148.287 Order of procedure.

The administrative law judge determines the order of procedure for each formal hearing.

§ 148.289 Evidence.

A party may present evidence and conduct cross-examination of witnesses at a formal hearing. Other persons may present evidence that they have been authorized to present under § 148.265.

§ 148.291 Rulings referred or appealed to the Commandant.

(a) The Commandant reviews each ruling referred or appealed to him under this subpart and issues a ruling and any appropriate order. Unless otherwise ordered by the Commandant or the administrative law judge, review of a ruling does not stay a formal hearing or extend a time period prescribed by this subpart.

(b) If the administrative law judge refers a ruling to the Commandant, he gives notice to the parties of the referral.

APPLICATION APPROVAL OR DENIAL

§ 148.321 Decision process generally.

(a) During the 45-day period immediately following the completion of the final public hearing on a proposed deepwater port license for a designated application area, opportunity is provided for the various Federal departments and agencies having expertise concerning, or jurisdiction over, any aspect of ownership, construction, or operation of deepwater ports or having a duty under the Act with respect thereto and the Governor of each adjacent coastal State to formulate and transmit to the Secretary their determinations, recommendations, opinions and approvals or disapprovals, as the case may be.

(b) Within 45 days after the expiration of the 45-day period described in paragraph (a) of this section, the Secretary approves or denies each application for a deepwater port license in the designated application area.

§ 148.323 Criteria and considerations.

(a) The Secretary approves an application only after he determines that: