

§ 82.38

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initially purchased before March 6, 1996.

(2) Equipment manufacturers or owners may request a determination by the Administrator by submitting an application and supporting documents that indicate that the equipment is substantially identical to approved equipment to: MVACs Recycling Program Manager, Stratospheric Protection Division (6205J), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460, Attn: Substantially Identical Equipment Review. Supporting documents must include process flow sheets, lists of components and any other information that would indicate that the equipment is capable of processing the refrigerant to the standards in appendix A, B, C, D, E or F of this subpart, as applicable. Authorized representatives of the Administrator may inspect equipment for which approval is being sought and request samples of refrigerant that has been extracted and/or recycled using the equipment. Equipment that fails to meet appropriate standards will not be considered approved.

(3) Refrigerant recycling equipment that recovers or recovers and recycles CFC-12 refrigerant and has not been certified under paragraph (a) or approved under paragraphs(b)(1) and (b)(2) of this section shall be considered approved for use with an MVAC-like appliance if it was manufactured or imported before November 15, 1993, and is capable of reducing the system pressure to 102 mm of mercury vacuum under the conditions set forth in appendix A of this subpart.

(c) The Administrator will maintain a list of approved equipment by manufacturer and model. Persons interested in obtaining a copy of the list should send written inquiries to the address in paragraph (b) of this section.

[57 FR 31261, July 14, 1992, as amended at 60 FR 21687, May 2, 1995; 62 FR 68047, Dec. 30, 1997; 72 FR 63494, Nov. 9, 2007; 73 FR 34647, June 18, 2008]

§ 82.38 Approved independent standards testing organizations.

(a) Any independent standards testing organization may apply for approval by the Administrator to certify equipment as meeting the standards in

appendix A, B, C, D, E, or F of this subpart, as applicable. The application shall be sent to: MVACs Recycling Program Manager, Stratospheric Protection Division (6205J), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

(b) Applications for approval must document the following:

(1) That the organization has the capacity to accurately test whether refrigerant recycling equipment complies with the applicable standards. In particular, applications must document:

(i) The equipment present at the organization that will be used for equipment testing;

(ii) The expertise in equipment testing and the technical experience of the organization's personnel;

(iii) Thorough knowledge of the standards as they appear in the applicable appendices of this subpart; and

(iv) The test procedures to be used to test equipment for compliance with applicable standards, and why such test procedures are appropriate for that purpose.

(2) That the organization has no conflict of interest and will receive no financial benefit based on the outcome of certification testing; and

(3) That the organization agrees to allow the Administrator access to verify the information contained in the application.

(c) If approval is denied under this section, the Administrator shall give written notice to the organization setting forth the basis for his or her determination.

(d) If at any time an approved independent standards testing organization is found to be conducting certification tests for the purposes of this subpart in a manner not consistent with the representations made in its application for approval under this section, the Administrator reserves the right to revoke approval.

[57 FR 31261, July 14, 1992, as amended at 60 FR 21687, May 2, 1995; 62 FR 68048, Dec. 30, 1997]