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(c) The applicant may request that any test conducted by the Administrator that was a material factor in the decision to reject the application be repeated.

§ 53.11 Cancellation of reference or equivalent method designation.

(a) *Preliminary finding.* If the Administrator makes a preliminary finding on the basis of any available information that a representative sample of a method designated as a reference or equivalent method and offered for sale as such does not fully satisfy the requirements of this part or that there is any violation of the requirements set forth in § 53.9, the Administrator may initiate proceedings to cancel the designation in accordance with the following procedures.

(b) *Notification and opportunity to demonstrate or achieve compliance.* (1) After making a preliminary finding in accordance with paragraph (a) of this section, the Administrator will send notice of the preliminary finding to the applicant, together with a statement of the facts and reasons on which the preliminary finding is based, and will publish notice of the preliminary finding in the FEDERAL REGISTER.

(2) The applicant will be afforded an opportunity to demonstrate or to achieve compliance with the requirements of this part within 60 days after publication of notice in accordance with paragraph (b)(1) of this section or within such further period as the Administrator may allow, by demonstrating to the satisfaction of the Administrator that the method in question satisfies the requirements of this part, by commencing a program to make any adjustments that are necessary to bring the method into compliance, or by taking such action as may be necessary to cure any violation of the requirements of § 53.9. If adjustments are necessary to bring the method into compliance, all such adjustments shall be made within a reasonable time as determined by the Administrator. If the applicant demonstrates or achieves compliance in accordance with this paragraph (b)(2), the Administrator will publish notice of such demonstration or achievement in the FEDERAL REGISTER.

(c) *Request for hearing.* Within 60 days after publication of a notice in accordance with paragraph (b)(1) of this section, the applicant or any interested person may request a hearing as provided in § 53.12.

(d) *Notice of cancellation.* If, at the end of the period referred to in paragraph (b)(2) of this section, the Administrator determines that the reference or equivalent method designation should be canceled, a notice of cancellation will be published in the FEDERAL REGISTER and the designation will be deleted from the list maintained under § 53.8(c). If a hearing has been requested and granted in accordance with § 53.12, action under this paragraph (d) will be taken only after completion of proceedings (including any administrative review) conducted in accordance with § 53.13 and only if the decision of the Administrator reached in such proceedings is that the designation in question should be canceled.

§ 53.12 Request for hearing on cancellation.

Within 60 days after publication of a notice in accordance with § 53.11(b)(1), the applicant or any interested person may request a hearing on the Administrator's action. If, after reviewing the request and supporting data, the Administrator finds that the request raises a substantial issue of fact, a hearing will be granted in accordance with § 53.13 with respect to such issue. The request shall be in writing, signed by an authorized representative of the applicant or interested person, and shall include a statement specifying:

(a) Any objections to the Administrator's action.

(b) Data or other information in support of such objections.

§ 53.13 Hearings.

(a)(1) After granting a request for a hearing under § 53.12, the Administrator will designate a presiding officer for the hearing.

(2) If a time and place for the hearing have not been fixed by the Administrator, the hearing will be held as soon as practicable at a time and place fixed by the presiding officer, except that the hearing shall in no case be held sooner than 30 days after publication of