§ 1728.50 Removal of an item from listing or technical acceptance.

(a) Removal Actions. An item of material or equipment may be removed from the listing or technical acceptance in accordance with the following procedures upon determination that the item is unsatisfactory or has been misrepresented to the owner or RUS.

(b) Notification by the Committee. The sponsor of an item of material or equipment will be notified in writing of a proposal to remove such item from the listing or technical acceptance.

(c) Supplemental Information. Within ten (10) days of receipt of such notification, the sponsor may submit to Committee “A” a letter expressing the sponsor’s intent to submit written supplemental technical information relevant to Committee “A’s” determination. The sponsor must submit such information within twenty (20) days from the submission of its letter to Committee “A.” Committee “A” will have the discretion of making a decision following the expiration of the time periods provided in this paragraph.

(d) Action by the Technical Standards Committee “A.” Committee “A” may take one of the following actions:

1. Order the immediate removal of the item from the listing, or technical acceptance,
2. Condition the item’s continued listing, or technical acceptance,
3. Recommend a basis of settlement which will adequately protect the interest of the Government, or

should contact the Chairman, Technical Standards Committee “A” (Electric), at the above address, before any sample is shipped.
(4) Delay the effectiveness of its decision for a time period sufficient to allow the sponsor to appeal to Technical Standards Committee “B.”

All committee “A” decisions regarding the actions listed above must be by unanimous vote. If the vote is not unanimous, the item will be referred to Technical Standards Committee “B.”

Written notice of Technical Standards Committee “A’s” decision, stating the basis for the decision, will be provided to the sponsor.

(f) Additional Opportunity to Present Information. At the request of the sponsor, RUS may afford additional opportunity for consideration of relevant information. Such additional opportunity may include, without limitation, a meeting between RUS and the sponsor in such a forum that RUS may determine. In making this decision, RUS will consider, among other things, the best interests of RUS, its borrowers, and the sponsor, and the best manner to develop sufficient information relating to the proposed action.

(g) Appeal to the Technical Standards Committee “B”. Within ten (10) days of notification of Committee “A’s” decision, a sponsor may appeal in writing to Technical Standards Committee “B” to review Committee “A’s” decision, specifying the reasons for such a request. Committee “B’s” determination, in response to such request, shall be based on the record developed before Committee “A” and such additional information as Committee “B” may request. Formal rules of procedure and evidence shall not apply to proceedings before Committee “B.”

(h) Action by Technical Standards Committee “B”. Committee “B,” by majority vote, may take one of the following actions:

(1) Order the immediate removal of the item from listing, or technical acceptance,
(2) Condition its continued listing, or technical acceptance, or
(3) Recommend a basis of settlement which adequately protects the interests of the Government.

Written notice of the Administrator’s determination, stating the basis for the decision, will be provided to the sponsor.

The Administrator’s actions are final.


§ 1728.60 List of materials and equipment.

(a) General. Those items of material or equipment accepted by Technical Standards Committee “A” or “B,” with the exception of technically accepted nondomestic items, will be listed in the List of Materials. Items