the leaks. The necessary applicable static and dynamic tests would need to be employed.

EPA believes that while the system is mothballed, only a limited amount of refrigerant, if any, is likely to be released to the atmosphere from the leak or leaks, since the appliance or isolated section of the appliance has been evacuated per requirements of § 82.156 of subpart F. Therefore, there is no environmental benefit for maintaining required timelines for completion of repairs when the system is not in operation in a mothballed situation. EPA requests comments on providing a de facto extension to the owners or operators of systems subject to the leak repair requirements promulgated under § 82.156(i) that voluntarily mothball their systems.

L. Proposed Extension for Federally-Owned Commercial and Comfortcooling Refrigeration Equipment

EPA has received new information indicating that certain federal entities periodically have difficulty complying with the 30-day leak repair requirement and the one-year retrofit/retirement requirement for leaky refrigeration equipment subject to the requirements of § 82.156(i). This equipment does not appear to be unique in design; however, many of these systems are older. The difficulties appear to stem from the need to procure parts for these systems. The concerns are based on the need to follow specific government procurement practices that may be more cumbersome than those faced by private sector entities. These procurement practices are set forth by statute, the Federal Acquisition Regulations, and often specific Agency procedures.

EPA has received information from one federally-owned entity in this regard, claiming the need to provide an exemption for federally-owned equipment subject to the leak repair requirements promulgated under §82.156(i) when mandated procurement practices prevent timely delivery of parts. EPA understands that in addition to the fact that older parts may be more difficult to obtain and may be more costly, the federal procurement process may further delay acquisition of parts in timely fashion. EPA requests comments that would indicate whether this situation is unique to the federal government or if other situations unique to the federal government could justifiably merit an extension.

If a government facility believes it will take longer than the 30 days to complete repairs or more than one year to complete retrofit or retirement activity, EPA is proposing that the

facility be able to submit a request for extensions parallel to those outlined in today's action for industrial process refrigeration systems, but based on the hindrance of federal procurement requirements. If additional time is granted, EPA also proposes that testing and documentation should occur, parallel to those for industrial process refrigeration systems.

In light of the above discussion, EPA is proposing today to provide extensions to the leak repair provisions for federally-owned commercial and comfort-cooling systems. However, EPA is requesting comments that may shed light on additional information in this regard. EPA is particularly interested in how the FAR could negatively affect compliance with the requirements promulgated under § 82.156(i).

III. Summary of Supporting Analysis

A. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether this regulatory action is "significant" and therefore subject to OMB review and the requirements of the Executive Order. The Order defines "significant" regulatory action as one that is likely to lead to a rule that may:

(1) Have an annual effect on the economy of \$100 million or more, or adversely and materially affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined by OMB and EPA that this proposed amendment to the final rule is not a "significant regulatory action" under the terms of Executive Order 12866 and is therefore not subject to OMB review under the Executive Order.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601–602, requires that Federal agencies examine the impacts of their regulations on small entities. Under 5 U.S.C. 604(a), whenever an agency is required to publish a general notice of proposed rulemaking, it must prepare and make available for public comment

an initial regulatory flexibility analysis (RFA). Such an analysis is not required if the head of an agency certifies that a rule will not have a significant economic impact on a substantial number of small entities, pursuant to 5 U.S.C. 605(b).

EPA believes that any impact that this proposed amendment will have on the regulated community will serve only to provide relief from otherwise applicable regulations, and will therefore limit the negative economic impact associated with the regulations previously promulgated under Section 608. An examination of the impacts on small entities was discussed in the final rule (58 FR 28660). That final rule assessed the impact the rule may have on small entities. A separate regulatory impact analysis was developed. That impact analysis accompanied the final rule and is contained in Docket A-92-01. I certify that this proposed amendment to the refrigerant recycling rule will not have any additional negative economic impacts on any small entities.

C. Paperwork Reduction Act

The information collection requirements in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB) under the *Paperwork Reduction Act,* 44 U.S.C. 3501 *et seq.* An Information Collection Request document has been prepared by EPA (ICR No. 1626.03) and a copy may be obtained from Sandy Farmer, Information Policy Branch; EPA; 401 M St., SW. (2136); Washington, DC 20460 or by calling (202) 260–2740.

This collection of information has an estimated reporting burden averaging 10 hours per response and an estimated recordkeeping burden averaging 15 minutes per response. These estimates include time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing the collection of information.

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Chief, Information Policy Branch; EPA; 401 M St., SW. (2136); Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked "Attention: Desk Officer for EPA." The final Rule will respond to any OMB or public comments on the information collection requirements contained in this proposal.