The NPRM also proposed several other changes to the regulations, including an exemption for federally-owned chillers under certain circumstances. The NPRM is discussed in further detail in the following section.

The recycling rule, 40 CFR, part 82, subpart F, was only re-opened for purposes of reconsidering the specific provisions outlined in the NPRM and discussed in this final action. EPA did not invite comments on any other provisions of the recycling rule. However, in separate actions EPA has recently addressed a stay on the sales restriction for split systems (60 FR 24676), and an extension of the reclamation requirements (60 FR 14607). In addition, EPA plans in the future to consider additional changes to the requirements under 40 CFR, part 82, subpart F. including:

 Reconsideration of the sales restriction for split systems and precharged parts:

charged parts;
• The adoption of an industry off-site recycling standard; and

• Requirements for recovering alternative substances to class I and class II refrigerants unless the Administrator determines that venting, releasing or disposing of the substitute refrigerants do not pose a threat to the environment.

These issues will be addressed in separate rulemakings that will follow appropriate notice and comment procedures.

II. This Rule

This final rule affects the owners and operators of industrial process refrigeration equipment that normally contain a charge of 50 pounds or more of a class I or class II refrigerant. Today's action will provide the owners and operators with greater flexibility in repairing leaks and retrofitting leaky appliances. EPA will permit the owner or operator to have more than 30 days to complete repairs and more than one year to retrofit appliances where the conditions described in this final rule apply.

Through this final action EPA is also

Through this final action EPA is also clarifying that the owners and operators of all appliances subject to the leak repair provisions must only reduce leak rates to below the allowable leaks.

In addition, this action will permit additional time beyond the 30-day leak repair period for federally-owned chillers where the chillers are located in areas subject to radiological contamination. EPA will also permit additional time beyond the one-year retrofit period if appropriations and procurement requirements limit the

feasibility of completing the retrofit activities within one year.

Finally, this rule will permit the owners or operators to evacuate appliances to slightly above atmospheric pressure, specifically to a pressure not exceeding 5 psig, to perform oil changes. Alternatively, EPA will permit the owner or operator to recover the oil to a system receiver where the receiver will be evacuated to atmospheric pressure.

This statement in conjunction with the NPRM, serves as the statement of basis and purpose under § 307 of the Act

III. Notice of Proposed Rulemaking

On January 19, 1995, EPA published a notice of proposed rulemaking (NPRM) (60 FR 3992) concerning proposed revisions to the leak repair requirements promulgated under section 608. Below is a summary of the NPRM.

EPA proposed to permit the owners and operators of industrial process refrigeration equipment more than 30 days to repair leaks when the necessary parts are unavailable, or if requirements of other federal, state or local regulations make a repair within 30 days impossible. Only the time necessary to receive delivery of any necessary parts or comply with any applicable regulations would be permitted. The NPRM specified that the owner or operator of the industrial process refrigeration equipment would have to exert best efforts to repair leaks within the 30-day time period. If the equipment could not be repaired within the 30-day requirement, the owner or operator would have to document repair efforts, notify EPA of the inability to comply, provide appropriate information concerning the reason for the inability to complete the repairs and develop to EPA a one-year retrofit, replacement, or retirement plan for the leaky appliance. The NPRM stated that the owners or operators of the industrial process refrigeration equipment would be required to maintain records concerning their actions and submit specific information to EPA that details the need for additional time to complete the repair work. These records are discussed in further detail in the NPRM

In order to complete many types of repairs, industrial process refrigeration equipment may need to be shut down. EPA proposed a 120-day repair period, rather than a 30-day repair period, where an industrial process shutdown is necessary to repair a leak or leaks from industrial process refrigeration equipment.

EPA proposed three methods for owners and operators of industrial process refrigeration equipment to determine the full charge of refrigerant in the appliance and therefore, be able to calculate the leak rate. Two additional methods for these calculations were also discussed but were not proposed. The methods EPA proposed were: (1) To rely on the manufacturers' determinations, (2) to require the owner or operator to do calculations based on component sizes, flow rates, pressures, and other considerations, and/or (3) to rely on actual measurements of the amount of refrigerant added or evacuated from industrial process refrigeration equipment. These and other methods are discussed in greater detail in the NPRM (60 FR 3995).

EPA proposed that the repair efforts required for industrial process refrigeration equipment be those that sound engineering judgment indicates will be sufficient to bring the leak rate below a 35 percent annual rate, that a static test be conducted at the conclusion of the repairs to determine whether the repairs undertaken were successfully completed, and that a dynamic test be conducted within 30 days of bringing the system back on-line (if taken off-line) or within 30 days of completing the actual repairs, but no sooner than when the system has achieved steady-state operating characteristics. If the dynamic test indicates that the repairs have not been successfully completed, EPA proposed that the owner would be subject to a requirement to retrofit or replace the appliance within one year of the failure to verify that the repairs had been successfully completed or such longer time period as may be granted. Furthermore, EPA proposed that the owner or operator notify EPA of the failure within 30 days of the failed dynamic verification test. Proposed definitions of static and dynamic tests and examples of these tests are discussed in the NPRM (60 FR 3996).

Industrial process refrigeration systems have many potential sources of leaks. The NPRM stated that if a sufficient number of other leaks can be repaired creating a situation where the originally identified leak or leaks remain, but the overall leak rate has been successfully reduced to below 35 percent per year, the owner or operator has still in effect met its obligation under the rule. Therefore, EPA proposed that the owner or operator of an industrial process refrigeration unit be relieved of the obligation to retrofit or replace the appliance if, within 180 days of the failed dynamic verification