confusion. Therefore, through this action EPA will modify the proposed § 82.156(i)(3)(iv) to include a reference to 30 days and 120 days for completing "second repair efforts."

2. Timeframes for Repairing Leaks

EPA received many comments supporting the proposed timeframes for repairing leaks in industrial process equipment. These commenters recognized that while many types of leaks can be repaired within 30 days, in particular circumstances, such as when an industrial process shutdown is required, additional time is necessary. EPA received one comment stating that in all cases 120 days should be provided to repair all leaks. The commenter further stated that if the leaks could not be repaired within 120 days, additional time should be provided if the parts are unavailable, there are complications due to other regulations, or the potential need for the system to be taken off line to effect the repair exists. The commenter believes that this will reduce the amount of delays experienced by waiting for approvals from the Agency and it would decrease the burden placed upon the industry by reducing the number of submittals. The commenter further believes that by reducing wasted time spent in performing bureaucratic functions, and waiting for approvals, the repairs may be more quickly and efficiently made.

EPA does not believe it is necessary to always permit 120 days to repair leaks. In negotiating the settlement agreement with CMA and in subsequent discussions with industry representatives, numerous examples of routine repairs that can easily be made within 30 days have been identified. These types of repairs include leaks caused by a ruptured tube and a leaking gasket between the flanges. These and other types of repairs normally completed in less than 30 days are discussed in the NPRM (60 FR 3994). Limiting repair times to the most reasonable amount of time ensures that the repairs are completed responsibly and consistent with the spirit and intent of section 608 and the initial regulations promulgated in May 1993. EPA sees no reason to provide additional time to repair leaks that many commenters agree can easily be repaired within 30 days. Part of EPA's rationale for proposing changes to the leak repair provisions is based on the need to provide flexibility where the leaks are such that repairs cannot be made within 30 days. Allowing 120 days for repairs where an industrial process shutdown is necessary recognizes the need to first complete the actual shutdown before

attempting to fix the leaks. Since under most circumstances, owners or operators are expected to proceed with their repair or retrofit operations without receipt of prior approval, EPA does not believe waiting for approval constitutes a reason for the owners or operators to delay action. Thus extending the leak repair timeframe to 120 days to ensure adequate time to receive EPA approval is not necessary. Therefore, EPA is requiring that where appropriate, leaks are to be repaired within 30 days.

EPA received one comment regarding the course of action when the 30-day repair requirement cannot be met. The commenter notes that the NPRM's preamble states that when the 30-day repair requirement cannot be met, the owner or operator must notify EPA and include "a one-year retrofit, replacement or retirement plan for the leaky equipment" (60 FR 3994). However, the regulatory language does not state that requirement. Instead, the regulatory language states that the owners or operators must provide the reason(s) why more than 30 days are needed and an estimate of when the repair work will be completed. The commenter believes the regulatory text is correct. EPA agrees that the regulatory language properly reflects the notification requirement. Provisions proposed under § 82.156(i) allows for other alternatives besides automatically retrofitting or replacing the equipment.

3. Determining the Full Charge of Refrigerant

EPA received several comments concerning establishment of the amount of refrigerant contained in industrial process refrigeration equipment and therefore determining the leak rate for the affected appliance. One commenter suggested that EPA should specify a methodology for determining the percentage of refrigerant lost during a 12-month period. Another commenter stated that large facilities that have inhouse staff for servicing refrigeration equipment may not have had any regulatory requirement or internal justification for maintaining records of refrigerant charges prior to June 14, 1993 (the effective date of the initial regulations promulgated under section 608). The commenter requests that EPA clarify that leak rate calculations are required to be performed by taking into consideration the additions of refrigerant that occur after the original promulgation of section 608. Furthermore, the commenter requests clarification about prorating refrigerant added over more than a 12-month period. For example, if 20% is added

every 24 months, does that constitute a 10% per year leak rate? The commenter believes that since there were no regulatory requirements prior to May 1993, owners or operators should not be subject to enforcement based on imprecise calculations. Alternatively, the commenter believes that EPA should permit the first recharge to occur without regard to the leak rate in order to establish a full charge baseline.

EPA understands that prior to June 1993, records regarding the addition of refrigerant may not have been maintained. However, at this point such information should have been maintained for over two years. Therefore, EPA believes it is reasonable to assume a baseline can be established. EPA agrees that refrigerant recharges should be appropriately prorated to establish a yearly leak rate; however, EPA does not believe it is necessary or appropriate to permit the first recharge to occur without making an effort to assess the leak rate.

Several commenters requested that EPA permit the use of the fourth option discussed in the NPRM (60 FR 3996) for determining the full charge of refrigerant. This method allows one to choose a number from within an established range based on the best data currently available. Once a number is selected, it would be considered the full charge; however, over time the owner or operator of the appliance may adjust the number based on new or revised information concerning the performance of the system. EPA expressed concerns that there is no clarity regarding circumstances under which a change in the number could be justified. In the NPRM, EPA stated that an everchanging estimate of the full charge defeats the purpose of creating a baseline.

Several commenters stated that EPA's concerns can be overcome. One commenter stated that in its experience it is difficult to accurately estimate the full charge of particular appliances. The commenter believes that often only trial and error will derive an accurate number. The commenter believes it is essential to allow an owner or operator to be able to draw from experience and use a range in estimating the full charge. The commenter believes that as long as the method used is documented, an inspector can determine if the approach was reasonable. Another commenter stated that EPA should not reject any legitimate technique for calculating the full charge. Several commenters stated that every method for determining the full charge has its strengths and weaknesses. Moreover, expressed or not, all methods will develop a range. The commenters believed that EPA's