leaks that are subject to the leak repair requirements for industrial process refrigeration equipment must be repaired. EPA agrees with this commenter.

Another commenter stated that fluorescent dye combined with a leak monitoring UV light source should be considered an acceptable initial or follow-up verification test. In the NPRM, EPA discussed three types of verification tests. EPA states that the three discussed represent examples that EPA believes would be considered acceptable forms of verification tests. EPA states that other types of tests may exist (60 FR 3997). EPA believes that sound professional judgement should be employed when determining the type of verification test that is appropriate for the particular leak. Therefore, it is not necessary for EPA to state which tests are acceptable. However, EPA would like to clarify that any verification test must be acceptable under all other regulatory requirements. For example, if fluorescent dye was combined with an ozone-depleting substance, where that ozone-depleting substance is used to propel the dye from a pressurized dispenser into the appliance, that application would be banned under the nonessential products ban promulgated under section 610 of the Act.

EPA received one comment regarding the need to perform verification tests if the owner or operator determines that the industrial process refrigeration equipment should be retrofitted. For example, if the leaky equipment is shut down to perform repairs on the heat exchanger, and as the repair work begins, it is determined that the compressor is about worn out, the owner or operator may choose to retrofit or replace the system rather than complete repairs. The commenter believes that under these circumstances the obligation to perform the verification tests should be lifted. EPA agrees with this commenter. If the owner or operator is switching to a retrofit, replace, or retire mode, the obligation to bring the leak rate below 35 percent is suspended. Therefore, it is not necessary to perform tests to verify the success of individual leak repair efforts.

EPA received an additional comment concerning the use of verification tests when the owners and operators are retrofitting or replacing the appliance. The commenter was concerned that the proposed language would obligate owners or operators to perform verification tests on replaced or retrofitted equipment. EPA agrees that these tests are not necessary for replaced or retrofitted equipment.

6. Fixing Other Leaks

EPA received one comment regarding what happens if EPA disapproves the parameters for fixing leaks. In §82.156(i)(4), EPA stated that if repairs fail a follow-up verification test, the owner or operator could choose the option of doing whatever it takes to get the rate below the threshold within 180 days. It is anticipated that the owner or operator will follow parameters from earlier notifications. EPA may disapprove of those parameters; however, the parameters are deemed approved if EPA does not object within 30 days after receiving notice. The commenter supports this approach, but is concerned about what happens if EPA disapproves. In such cases the commenter suggests that the owner or operator and EPA should reach agreement on what parameters will be used. EPA agrees with the need to specify what will occur if the EPA objects to the parameters. If this situation occurs, in all likelihood, EPA will consult with the owner or operator. However, EPA and the owner or operator may not necessarily "reach agreement." Through this action, EPA will specify that where EPA objects to the submitted parameters for bringing the overall leak rate below the applicable threshold, EPA will select appropriate parameters. In all likelihood, this selection will be made expeditiously since the applicable timelines will remain in effect. If such disapproval significantly limits the ability of the owners or operators to comply with appropriate timelines, EPA may consider granting an extension. If no agreement can be reached, it is anticipated that the course of action may be to retrofit or replace the affected industrial process refrigeration equipment. Under such circumstances, EPA may need to consider providing additional time for the owners or operators of the affected industrial process refrigeration equipment to complete retrofit or replacement activities.

EPA received several comments supporting the provision relieving the owner or operator of the obligation to retrofit or retire industrial process refrigeration equipment where, within 180 days, the owner or operator has reduced the leak rate to below 35 percent by completing other repairs and tightening the operation of the appliance. These commenters believe that by reducing the amount of refrigerant being released, the owner or operator has met the goals of the leak repair provisions although the original leak remains.

EPA received one comment suggesting that the Agency should permit one year instead of 180 days. The commenter believes that providing additional time will not detract from the requirement to retrofit or replace the appliance. EPA disagrees with this commenter. EPA believes that to complete retrofit or replacement activities within one year, it would be necessary to perform preparatory work on the same appliance. The lack of clear direction between retrofitting and repairing the appliance that late in the year may influence the ability of the owner or operator to complete retrofit activities. Furthermore, EPA believes that where the leak rate can be reduced to below the applicable threshold, 180 days should be sufficient time. The leak repair provisions being promulgated through this action are designed to provide greater flexibility without compromising the goals of reducing emissions. To achieve this goal EPA proposed the shortest amount of additional time necessary to complete repairs. Therefore, EPA does not believe it is necessary to further extend this provision.

EPA received one comment requesting that the Agency specify that § 82.156(i)(3)(v) only apply where repairs have failed a follow-up verification test and the owners or operators have chosen to do whatever it takes to bring the leak rate below the applicable threshold. EPA agrees that there are other options available to the owners or operators. Therefore, through this action, EPA will clarify that the owner or operator may choose this option, but that other options, such as retrofitting the appliance, also exist.

EPA received several comments supporting the need to switch to the retrofit or replacement mode after discovering that successful leak repairs cannot be made in accordance with the necessary timelines. EPA received one comment suggesting that when a switch is made from a repair mode to a retrofit/ replacement mode, the owner or operator of that industrial process refrigeration equipment should be held to the normal deadlines for retrofitting or retiring the appliance. The commenter stated that if the owner or operator has spent a month trying to fix the leaks, the owner or operator would have eleven months left for retrofitting, replacing, or retiring the equipment. EPA agrees with this commenter.

EPA received several comments supporting the need for additional time to complete the retrofit or retirement of industrial process refrigeration equipment beyond one year. One commenter stated that EPA should