clarify however, that additional time should be permitted under \S 82.156(i)(7)(i), not one additional year. In some cases, more or less than one year is appropriate. One commenter stated that additional time, up to one additional year, should be permitted under \S 82.156(i)(7)(ii). The commenter also stated that where additional time beyond the initial additional 'year'' is permitted in \S 82.156(i)(7)(iii), EPA should explicitly state that additional time beyond the one year is permitted, not an additional year. EPA agrees with these commenters.

F. Industrial Process Shutdown

EPA received several comments supporting the extension to complete repairs when an industrial process shutdown is required. One commenter suggested that the term process shutdown should not be used interchangeably with the term industrial process shutdown. To provide clarity and consistency, the commenter believes the Agency should use and define the term industrial process shutdown exclusively. EPA agrees with this commenter. Therefore, EPA will define and use the term industrial process shutdown, instead of process shutdown.

EPA received one comment stating that the need for additional time beyond the 120 days permitted for an industrial process shutdown may not be evident within the initial 30-day repair period. The commenter is concerned that an initial determination that no other federal, state, or local regulations apply may be made by the owners or operators. It is also possible that within the initial 30 days the owners or operators may not realize that the appliance requires parts that are unavailable. After the industrial process shutdown is complete, possibly as late as day 115, such a determination may be made. Under those circumstances, the commenter is concerned that additional time beyond the 120 days would no longer be available. EPÅ understands these concerns. While the Agency believes that in most cases the owner or operator will know that other regulations will delay repairs or that the parts are not readily available within 30 days, it is possible that such a determination will not be known in advance of completing the industrial process shutdown. Therefore, through this action, EPA will specify that additional time is available beyond the 30-day or 120-day repair period where other federal, state or local regulations are applicable or where the necessary parts are unavailable. Only the additional time needed to receive

delivery of the necessary parts or comply with the pertinent regulations will be permitted.

G. Retrofitting or Replacing Equipment

EPA received several comments concerning retrofitting or replacing equipment. Commenters supported the proposal to permit additional time where specific circumstances exist. Comments about specific aspects of the proposal are discussed below.

EPA received one comment asking for clarification regarding the process of notification to EPA if repairs done in good faith are not successful and retrofitting must be pursued. The concern is that there may be cases where a repair requires an industrial process shutdown. If the "clock" for notifying EPA begins the date the leak rates are discovered, there may be cases where six months has passed. Therefore, the commenter suggested that EPA permit six months from the date the decision to retrofit is made. EPA disagrees with this commenter. EPA believes six months provides enough time both when the 30-day timeline and 120-day timeline apply. The owners or operators would have acceptable time to make repairs, to determine that retrofitting is appropriate, and to submit any required information.

EPA received a few comments concerning returning equipment to operation after the decision to retrofit, replace, or retire the appliance has been made. One commenter stated that EPA should allow an owner or operator to start up and operate appliances that the owner or operator determines, after attempting to repair leaks, cannot pass an initial verification test, if the owner or operator plans to retrofit or replace the appliance in accordance with §82.156(i)(6) or such longer time as may apply in accordance with § 82.156(i)(7) (i), (ii) and (iii) or § 82.156(i)(8) (i) and (ii). EPA agrees with these commenters. If the owners or operators of affected industrial process refrigeration equipment attempt to repair leaks, but determine the need to retrofit or replace the equipment in accordance with the provisions promulgated through this action, the affected industrial process refrigeration equipment may be brought back on line without an initial or follow-up verification test.

EPA received related comments concerning the ability of the owners or operators to switch from the repair to the retrofit mode, and from the retrofit to the repair mode. One commenter stated that as long as all applicable deadlines are met, the owners or operators should have the flexibility to change their initial determination of retrofitting or repairing the industrial process refrigeration equipment. EPA agrees that as long as all applicable deadlines are met, the owners or operators may change their initial decision to retrofit, replace, or repair leaky industrial process refrigeration equipment.

One commenter stated that the proposed requirement to develop retrofit plans within 30 days would be difficult for large industrial process refrigeration equipment. It may take time for the owners or operators to determine the cause of the leak and whether the best course of action is to repair or retrofit the appliance. The commenter requests that EPA permit 90 days for the owner or operator to obtain all the appropriate information to complete a valid retrofit or retirement plan. The commenter believes this is consistent with EPA's recognition that it may take time for the owners or operators to evaluate the available options. EPA agrees that it may take time to evaluate the available options; however, EPA does not believe it is necessary to permit 90 days to develop retrofit or retirement plans. EPA believes that system mothballing and the ability to switch from a repair mode to a retrofit mode provide the owner or operator of the affected appliance with sufficient time to develop such plans. EPA believes that particularly where the type of leak is unknown, most owners or operators will attempt to identify and repair the leak first. Therefore, EPA does not believe it is necessary to require additional time to develop retrofit or retirement plans.

EPA received one comment regarding when the clock starts for retrofitting a system. The commenter is concerned that §82.156(i)(3)(ii) permits the owner or operator of industrial process refrigeration equipment to determine the need to retrofit industrial process refrigeration equipment after a failed follow-up verification test; however, §82.156(i)(6) states that all work under the plan must be completed within one year of the plan's date and the plan must be developed within 30 days of discovering the leak. The commenter is concerned with this apparent inconsistency. EPA agrees with this commenter's concern. While in general, plans are to be developed within 30 days of discovering the leak, this final action provides opportunities for the owners or operators to switch to a retrofit mode. EPA will modify the language in \S 82.156(i)(6) to reflect these scenarios.

EPA received one comment requesting, that if the owner or operator intended to retrofit or replace an