appliance, and developed an appropriate plan, and if the owner or operator later determines that the normal charge of the appliance was not correctly calculated, the owner or operator should be relieved of the obligation to retrofit or replace the appliance and therefore, be able to withdraw the plan. The commenter states that if the appliance was overcharged, the calculations would be incorrect. EPA understands these commenters concerns. As discussed above, EPA realizes that owners or operators may not have kept records of refrigerant charges prior to the promulgation of regulations under section 608. Therefore, EPA will permit the owner or operator to withdraw a retrofit or retirement plan if the calculations of the full charge used to determine the leak rate were incorrect. However, the owner or operator retracting such a plan will need to demonstrate clearly that the original determination was incorrect and why. EPA will be particularly concerned where the fourth methodology for determining the full charge was used. Where a range is used to establish the full charge and that range is altered, EPA is requiring that records be maintained and be made available to EPA upon request.

## H. Recordkeeping and Reporting Requirements

EPA received several favorable comments regarding the proposed recordkeeping and reporting requirements. One commenter stated that although the recordkeeping and reporting requirements are more detailed than those promulgated in May 1993 and that they do constitute an additional burden, the commenter supports the requirements. The commenter believes the requirements are necessary to allow EPA the opportunity to verify that best efforts were expended to find and repair leaks. Another commenter stated that the provisions mostly appear necessary and appropriate, in order to assure compliance. This commenter did offer minor suggestions for the requirements that are discussed below. EPA received two negative comments on recordkeeping and reporting comments. One commenter stated that the provisions appear to be extremely burdensome and time consuming. This commenter feels that more flexibility should be provided and that incentives to expeditiously fix leaks and even retrofit will be derived from the cost of refrigerant. The commenter further stated that the NPRM contains 12 separate reporting items subject to

noncompliance enforcement actions and strict deadlines while providing no environmental benefit. The second commenter stated while most of the requirements for recordkeeping and reporting seem justified, § 82.166(n) should not include recordkeeping or reporting requirements for § 82.156(i) (3) (iii), (iv), and (iv) because they are too burdensome. EPA disagrees with these commenters. This rulemaking, in its entirety, is designed to provide greater flexibility to the industry. The rule will alleviate stringent repair and retrofitting timelines and allows for more flexible approaches for lowering the overall leak rate of affected appliances. EPA has proposed and today is adopting reporting and recordkeeping requirements in conjunction with the more flexible approach to ensure compliance with this less stringent scheme. EPA recognizes that the reports themselves do not constitute an environmental benefit. However, ensuring compliance with this new leak repair scheme does provide a benefit. The three specific provisions cited by the second commenter are pertinent to EPA. One provision reports the results of a failed follow-up verification test. This failure is a trigger for the owner or operator to choose a new course of action. Notification to EPA of the failure is important and would accompany other required information. The other two provisions communicate the results of either successful second repair efforts or tightening other aspects of the appliance to reduce the leak rate below the threshold. Since these events result in relieving the owner or operator of having to retrofit or replace the appliance, it is essential for the owner or operator to notify EPA. These recordkeeping and reporting requirements are not always required. If the owner or operator of the industrial process refrigeration equipment can complete repairs successfully during the initial 30 days, there are no applicable recordkeeping or reporting requirements.

One commenter suggested that EPA clarify that only the information listed in § 82.166 (n),(o) and (p) must be maintained. The commenter suggested several other language changes to ensure an understanding of the terminology used. Particularly, the commenter suggested and EPA clarified through the terms, "fix all other outstanding leaks," "on-site," "refrigeration facility," and "time changes." Another commenter suggested that EPA clarify under what circumstances specific data elements should be included. EPA has changed the language in § 82.166 (n), (o), (p), and

in the newly added (q) so that these sections clearly reflects EPA's intent.

EPA received comments regarding notification to EPA of changes from the original estimates concerning repair work. One commenter stated that it was unclear and confusing in both the preamble and the regulatory language regarding time changes for completion of work from the original estimates. The commenter believes that EPA should require notification only if the estimated date of completion of work changes and results in moving the completion date forward. Other commenters noted that if EPA reviewed every adjustment in the affected repair schedules, EPA would receive many unnecessary notices and companies would face additional compliance burdens. EPA agrees with these commenters. EPA is only concerned when the estimated date of completing work results in extending the date of completion, thus increasing the potential for refrigerant releases. Through this action EPA will change the proposed regulatory language to state that when the repair schedule results in extending the date of completion, the reasons for these changes must be documented and submitted to EPA within 30 days of discovery of the change in timing.

EPA received comments concerning the potential for the owners or operators of industrial process refrigeration equipment to be placed in a situation where they will not be able to comply with their original schedules because the vendor is unable to meet the delivery schedule previously supplied to the owner or operator. For example, if a vendor quotes 20 weeks for delivery and in week 18 changes that estimate to 36 weeks, the owners or operators of the affected appliances will be forced to reconfigure their installation schedules. EPA understands the concerns raised by these commenters. If a critical component is delayed, this might influence whether the owner or operator can meet their schedule. EPA is aware that often a retrofit will involve several vendors. In some cases non-critical components may be delayed. It may be possible to rearrange the schedules to install delayed parts later. Where these parts must be on hand for work to proceed, delays in delivery by the vendors could result in missed deadlines by the owners or operators. Therefore, through this action, EPA will permit an extension of the original deadlines where delays by vendors limit the ability of the owners and operators to proceed with their retrofit or replacement activities. Extensions will be based on the delivery date for the necessary components.