EPA received one comment requesting that instead of filing for additional time beyond the initial oneyear period six months after the expiration of the 30-day period following the exceedance of the 35 percent leak rate, the owner or operator of the industrial process refrigeration equipment should submit information requesting additional time 10 months from the expiration of the 30-day period. The commenter argues that since the materials involved in construction of custom-built equipment may not normally be used by a refrigeration vendor, it is common for delivery dates to slip. The commenter believes that an owner or operator may request additional time even where it is unclear that such time is actually necessary. However, if the owner or operator must make the decision to request additional time at 10 months instead of six months, the owner or operator may be more realistic in his/ her evaluation. While EPA understands these concerns EPA does not believe it is appropriate to postpone the date. EPA believes that in most cases it will be clear at six months if additional time will be necessary. Furthermore, EPA would prefer that those who are unsure if an extension will be necessary still notify the Agency. If EPA believes the request is unjustified, EPA can notify the owner or operator of such a determination. It would be inappropriate for the owners or operators to make such requests at the 10-month mark where EPA has 60 days to notify the owner or operator if the request was rejected.

EPA received comments concerning the need to clarify that in particular circumstances, all the information listed in §82.166(n) would not need to be included in a report submitted to EPA. EPA agrees with this commenter. In the NPRM (60 FR 3995) EPA indicates that under certain circumstances particular items listed in §82.166(n) would not be expected. However, EPA did not include this information in the regulatory text. Moreover, EPA understands that while combining the recordkeeping information list appears to simplify the provisions, misinterpretations could arise. Therefore, EPA has clarified the recordkeeping provisions in this final action by stating under what circumstances specific data elements are or are not required.

EPA received one comment regarding the need to modify the language in § 82.166(n) and (o). In the NPRM these provisions used the language, "industrial process refrigeration equipment," while the requirements are also applicable to the federally-owned commercial and comfort-cooling appliances. EPA agrees with these comments and has made the necessary changes.

One commenter stated that EPA should revise § 82.156(i)(7)(i). The NPRM states that information. in accordance with §82.166(o), will be submitted to EPA and within 60 days EPA will notify the owner or operator of its determination. The commenter suggests that instead, the request for additional time should be deemed acceptable unless the Agency notifies the commenter within 60 days. EPA disagrees with this commenter. EPA has permitted for an automatic process of granting up to one year where the conditions of § 82.156(i)(7)(ii) apply. EPA distinguished between these two provisions because if the conditions of §82.156(i)(7)(i) apply, the Agency can grant as much time as necessary. This provision is far more open-ended than §82.156(i)(7)(ii). Therefore, EPA continues to believe it is necessary for the Agency to review the request for additional time, agree that time to the extent reasonably necessary can be granted, and notify the owner or operator of EPA's decision.

EPA received one comment requesting notification of the proper address for submitting reports to the Agency. EPA will cross reference the address listed in § 82.160: Section 608 Recycling Program Manager, Stratospheric Protection Division, 6205J, 401 M Street, SW., Washington, DC 20460.

I. Purged Refrigerants

EPA received several comments regarding the treatment of purged refrigerants that are destroyed. The commenters agreed that if the refrigerant is not vented to the atmosphere, but is instead destroyed, the material did not leak and should not be included in any leak rate calculations. Several commenters suggested that records be kept on-site by the owners or operators and be made available to EPA upon request. One commenter stated that a requirement to notify EPA will prove to be a resource drain for EPA and will only provide a minimum environmental benefit. EPA agrees with these commenters and will require that records indicating the amount of purged and destroyed refrigerant be maintained and made available to EPA upon request.

One commenter requested that EPA exempt from leak detection determinations any refrigerant purged and destroyed where the destruction can be verified, regardless of the

technology utilized. The commenter stated that refrigerant that is leaked into a system, then converted to elemental compounds or other non-ozonedepleting substances, by a process reactor or a hydrochloric acid burner should qualify for this exemption. In discussions with the Agency, commenters indicated that where an owner or operator decides to take credit for destroying purged refrigerant, it will be possible to find an appropriate method for verifying how and how much refrigerant was destroyed, if the refrigerant is "completely destroyed" for purposes of the phaseout regulations promulgated under sections 604 and 606 of the Act. EPA agrees with these commenters. While effective destruction of purged refrigerants can take place in a number of technologies, EPA does wish to ensure high efficiency. Therefore, so that purged refrigerant is not counted as part of the leak rate, today's rule will require purged refrigerant to be destroyed at a destruction efficiency of 98 percent or greater, consistent with both the phaseout and the labeling rules. Any destruction technology may be used for the purposes of destroying purged refrigerants under this rule, as long as the destruction efficiency is at least 98 percent.

J. Federally-Owned Chillers

EPA received several comments regarding the proposed requirements for federally-owned chillers. Several commenters supported the proposed language with only minor changes. A few commenters stated that EPA should broaden the requirements to allow additional time for non-federally-owned appliances to repair leaks. The commenters were concerned with manufacturing backlogs. One commenter stated that the Federal government should abide by the same rules as industry, noting that if federal entities are having trouble meeting timelines, large private companies may also be having the same problems. One commenter stated that if federal facilities cannot meet the time frames. then state and local governments may have similar difficulties. The commenter believes that giving an extension of time only to federal facilities could be viewed by the states and local governments as a mandate to them and an excuse for the federal government. One commenter stated that since the federal procurement process is governed by federal regulations a specific exemption was not necessary.

Several commenters stated that they are troubled that EPA has proposed to extend the sound professional judgment