of appliances and their associated costs currently limits the ability of the federal government to comply with a one-year timeframe. In particular, securing funds to retrofit an appliance subject to radiological contamination may require a lengthy process. In most cases, the owners or operators would wait for notification that the funds have been allocated before requesting proposals. Therefore, EPA will provide additional time beyond the initial one year, to the extent necessary, where procurement or appropriations requirements interfere with the ability of a federal entity to retrofit/retire/replace an appliance within one year.

K. Mothballing

EPA proposed suspending the timerelevant leak repair requirements promulgated under § 82.156(i) for appliances that are temporarily or permanently mothballed. In the NPRM, EPA states that it may be possible for the owner or operator of the appliance to discontinue use temporarily, perhaps on a seasonal basis. For example, it may be reasonable to shut down or mothball a comfort-cooling appliance for a period of time.

The NPRM further states that this type of system mothballing would not be the same as an industrial process shutdown undertaken to repair particular leaks found in industrial process refrigeration equipment or perform other maintenance activities. Also, this type of shutdown or mothballing would not be the same as being taken off-line due to a power outage or event. The NPRM defines system mothballing as an intentional shutting down of the refrigerant appliance undertaken for an extended period of time by the owners or operators of that facility-not for the purposes of servicing or repairing the appliance-where the refrigerant has been evacuated. The NPRM further states that if the appliance is temporarily mothballed, EPA believes it is appropriate to suspend the timerelevant repair and/or retrofit requirements while the appliance is effectively inoperative. For example, if a comfort-cooling appliance with over 50 pounds of refrigerant has a leak rate of more than 15 percent per year, the leak or leaks must be repaired or the appliance must be retrofitted within one year. However, if after discovery of the exceedance of the leak rate, the owner or operator voluntarily mothballs the appliance for a period of several months or years, EPA believes it would be appropriate to suspend the need to repair leaks or retrofit the appliance during the same time period. Therefore, if the appliance operated for five days

after discovery of the exceedance of the leak rate, then shut down for 2 months, when the appliance returned to operating, the owner or operator will still have 25 days to repair the leaks. The applicable verification tests would need to be employed.

EPA received several comments supporting the suspension of timerelevant repair or retrofit requirements if the owner or operator temporarily mothballs the affected appliance. However, several commenters suggested that the time-relevant requirements should also be suspended while repair or retrofit work is occurring. One commenter stated that refrigeration systems are designed to provide maximum cooling; however, if the weather cools or the processes needing refrigeration are not operating at full production, or if there are several refrigeration systems supporting a facility, it may be possible to mothball a leaky appliance. This commenter and several others recommend that EPA suspend the "clock" whether the appliance is mothballed for the purposes of repair or not. The commenters stated that the basis for their concern is that if the appliance or an isolated section of an appliance has been evacuated to at least atmospheric pressure, only a limited amount of refrigerant is likely to be released. The commenters further stated that the intent of the rulemaking is to reduce the emissions of ozone-depleting refrigerants. The commenters believe that while mothballed, there would essentially be no emission of ozonedepleting refrigerants. Another commenter stated that EPA should focus on the amount of time that an appliance actually operates at an excessive leak rate and not the amount of time that a repair takes. Another commenter stated that it may take some time to determine that the leak rate is above the threshold. After that determination is made, it may take time for a part to be ordered. The commenter is concerned that if the system mothballing definition excludes appliances shut down for the purposes of completing repairs, the owner or operator facing the above scenario would be forced into a retrofit/ replacement mode. One commenter suggested that recordkeeping and reporting requirements could be used to monitor the appropriateness of using this provision.

EPA understands the concerns raised by these commenters. The intention of Section 608 is to limit refrigerant emissions, not to determine how long it should take to repair an appliance.

EPA intended to permit system mothballing because the risk of releases from evacuated appliances is minimal. EPA did not intend to preclude repair work from occurring while an appliance has been mothballed. Instead, EPA was attempting to distinguish between system mothballing and other types of shutdowns, for different purposes, particularly industrial process shutdowns. In most cases, EPA believes that system mothballing may constitute extensive shutdowns. In many cases, the appliance could be mothballed for a season.

EPA received comments describing scenarios where mothballing appliances and simultaneously completing repairs would be a practical solution. Examples include manufacturing processes that produce material that have only a seasonal demand, where a spare or backup appliance can be brought on line, and where there is excess capacity in another refrigerant appliance that can be used to replace the capacity lost by mothballing an appliance. Commenters believe that evacuating the appliance to at least atmospheric pressure, and allowing the repair activities to occur, will limit emissions. Commenters further recognize the need to complete verification tests regardless of the conditions under which the repair work was conducted.

EPA agrees that completing repairs while the appliance is evacuated equates to almost no risk of emissions. Therefore, through this action, EPA is modifying the proposed definition of system mothballing. EPA will delete the language "not for purposes of servicing or repairing the appliance" from the definition of system mothballing. However, to ensure that for industrial process refrigeration equipment, verification tests still occur, EPA will include language stating that an initial verification test be completed prior to returning these appliances to normal operating conditions and that a followup verification test will be required within 30 days.

L. Grandfathering

EPA received one comment regarding the treatment of industrial process refrigeration equipment that began retrofit or replacement activities prior to the promulgation of this rulemaking. A company that discovered a leak in early 1994 that exceeded 35 percent developed a retrofit plan under the existing requirements. It now has become apparent that the company will require additional time beyond the one year and if these regulations were already promulgated, the company most likely would have qualified for additional time. Since today's action was not already effective, and therefore