no extensions could be applied for, the commenter is concerned with how this appliance will be treated. EPA believes that in this case good faith efforts were made by the owner or operator of industrial process refrigeration equipment to meet the existing requirements prior to the stay. In cases where the owners or operators have developed plans and made good faith efforts to retrofit or retire appliances prior to the promulgation of today's action, and where these efforts are not yet complete, the owners or operators must develop a plan and complete all retrofit or retirement actions by August 8, 1996. The owners or operators are permitted to provide for extensions beyond August 8, 1996, in accordance with § 82.156 (i)(7) and (i)(8).

## M. Terminology

EPA received comments asking the Agency to clarify, modify, and/or ensure consistency with EPA's use of certain terms, including but not limited to "facility," "system," and "appliance." EPA has reviewed the regulatory text and the preamble to incorporate appropriate changes. EPA anticipates that these changes should lessen any confusion in distinguishing between a facility, a system, and an appliance. EPA also has considered all other comments concerning grammar and language and believes they have been appropriately addressed in the preamble and regulatory text.

EPA received one comment suggesting that where the regulatory text states that a leak rate should be reduced to 35 or 15 percent, the language should be amended to state 35 or 15 percent and below in order to include all universe of allowable leak rates. EPA agreed with this commenter and has made the necessary changes.

EPA received comments requesting additional cross-referencing in the regulatory text. One commenter suggested that particular crossreferences should be added, deleted, or modified to more accurately indicate the Agency's intent. EPA believes it has addressed all these concerns.

## N. Regulatory Impact Analysis

It has been determined by OMB and EPA that the proposed amendment to the final rule is not a "significant regulatory action" under the terms of Executive Order 12866 and is therefore not subject to OMB review under the Executive Order. EPA received one comment disagreeing with this determination. The commenter stated that though the rule provides for extensions for leak repair, the recordkeeping burdens make this option essentially useless. The commenter further states that if other leaks cannot be located within 180 days, the rule has a net effect of mandating retrofits. The commenter believes retrofitting one plant alone could exceed \$10 million. That multiplied over an entire group of affected industries would deem the rule significant.

EPA strongly disagrees with this commenter's view that this rule is significant. EPA did perform a Regulatory Impact Analysis (RIA) when the original regulations regarding section 608 were promulgated in May 1993. This RIA is contained in Air Docket A-92-01. At that time, the costs associated with repairing and retrofitting appliances were considered. Today's action only lessens the impact of the original requirements by providing flexibility. The owners or operators of affected equipment have many options. One failed verification test does not immediately mean that retrofitting or replacing the appliance is the only option available as the only avenue. Furthermore, the provision permitting 180 days to decrease the overall leak rate of the industrial process refrigeration equipment was not contained in the original rulemaking. The owners or operators of a leaky appliance would have had to repair the leaks within 30 days or develop a retrofit or retirement plan. Any new recordkeeping or reporting requirements are necessary as a result of the more flexible approach. Most commenters agreed that these provisions were necessary. Moreover, as comments in the docket suggest, many of the data elements contained in the recordkeeping and reporting requirements were suggested by CMA and its members.

EPA does not believe that this rulemaking substantially increases the burden on the regulated community. Moreover, EPA believes that is the impact of this rulemaking a more flexible less costly means for handling leaks.

## O. Allowing Appliances To Be Pressurized To Slightly Above O PSIG

EPA proposed to allow appliances to be pressurized up to 5 psig in order to change oil in industrial process refrigeration equipment. The NPRM (60 FR 4002) states that a small positive pressure is needed during oil changes to force the oil from its reservoir. Oil will not flow from a reservoir that is under vacuum. EPA stated that this approach will reduce emissions and thus will have an overall positive impact on the environment.

EPA received comments regarding this issue. One commenter asked for EPA to reopen and extend the comment period. Since this provision is part of a settlement agreement with a courtordered final signature date of July 31, 1995, EPA is unable to reopen the comment period at this time. Furthermore, EPA did provide a thirtyday comment period with the option of holding a public hearing if one had been requested, in accordance with the Administrative Procedures Act. Moreover, to the extent practicable, EPA has responded to all comments including those received after the close of the comment period.3

Several commenters agreed with EPA's proposed approach, stating that permitting evacuation or pressurization to slightly above 0 psig would facilitate the removal of oil. One commenter stated that only a small amount of positive pressure is necessary because technicians would not let oil out at full system pressure since the oil would immediately turn into a large volume of froth.

EPA also received comments disagreeing with the need to reduce pressure. One commenter stated that § 82.156 and § 82.158 should not apply to oil changes. The commenter stated that any unit that requires that the oil be changed is provided with proper valves for oil change. The only refrigerant that is vented is the refrigerant contained in the oil. The commenter believes that the oil will be heated using the system oil heaters to bring the oil up to the manufacturer's design temperature. The hot oil will contain the least amount of refrigerant possible for the system stand-by pressure. The commenter believes that any requirement to reduce the pressure of the system to 5 psig would add major costs to the preventive maintenance of the unit. A job that may take a few hours would become a two-day job in cases where the unit does not have a system receiver. A refrigerant recovery unit and tanks would have to be brought to and removed from the job site. The commenter believes that the rules as written allow for oil removal without changing the system pressure since no evacuation is necessary after the oil change and results in only a "de minimis" release of refrigerant. Another commenter stated that refrigerant entrained in oil is not subject to the regulations.

EPA disagrees with these commenters' interpretations of the

<sup>&</sup>lt;sup>3</sup> This particular comment was received the evening of June 15, 1995. The comment period closed February 21, 1995.