

and owns or operates the establishment at which the refrigerant was extracted.

Appendix B of the rule was reserved for the standards for recover-only equipment. EPA proposed appendix B in a supplemental notice published April 22, 1992 (57 FR 14763). The proposed standard closely resembled a proposed SAE standard, SAE J2209: CFC-12 Extraction Equipment for Mobile Automotive Air-conditioning Systems, with the Agency's editorial comments included in the standard in brackets. This final rule adopts the final version of this SAE standard, with minor changes. In addition, EPA is adopting for recover-only equipment the recommended service procedure for the containment of CFC-12 described in SAE J1989 and already set forth in appendix A. In today's rule, that portion of appendix A based on SAE J1989 has been incorporated into appendix B in order to make clear that those service procedures apply when operating recover-only equipment.

For both recover/recycle equipment and recover-only equipment, the definition of "properly using" set forth in 40 CFR 82.32(e) applies. This final rule revises the requirements for Agency approval of independent standards testing organizations to include certification of recover-only equipment in compliance with the standards in appendix B. The criteria for approval of technician training and certification programs are also revised to reflect the use of recover-only equipment. The discussion in this preamble clarifies how the inclusion of standards for recover-only equipment will affect the certification of technicians, the Agency's approval of technician certification programs, and the Agency's approval of independent standards testing organizations.

II. Summary of Public Participation

A public hearing on the proposed supplemental rule was held on May 12, 1992. Only one person presented oral comments on the proposed requirements, also submitting written testimony to the Agency. A transcript of the hearing is contained in the public docket.

The Agency received a total of 10 letters on the supplemental proposed rule.

III. Summary and Response to Major Public Comments

Comments to this rule were submitted between April 22, 1992 and May 22, 1992. The remarks of several commenters were addressed in the July 14, 1992 final rule (57 FR 31241). For example, several commenters urged the

Agency to state more explicitly the circumstances in which refrigerant may be recycled off-site (*i.e.*, if the recycle equipment is owned by the person who also owns both the recover-only equipment and the establishment at which the refrigerant was recovered). These circumstances were explicitly discussed when EPA adopted the definition of "properly using" in the July 14, 1992 final rule (57 FR 31241).

One commenter urged the Agency not to adopt a recover-only equipment standard. This commenter argued that recover-only equipment increases the risk of contamination of the entire recycled refrigerant pool because it could lead to intermixing of refrigerant types and failure to purify the recovered refrigerant prior to recycling. EPA believes the use of recover-only equipment will, in conjunction with recover/recycle equipment, afford more cost-effective compliance options for smaller service facilities that may choose not to purchase the more expensive recover/recycle equipment, but instead to send all recovered refrigerant to off-site reclaimers. In addition, larger service facilities and fleet owners may purchase the less expensive recover-only equipment for use in conjunction with their recover/recycle equipment during peak air conditioning service months. By adopting this standard, the Agency believes that facilities are likely to recover ozone-depleting chemicals that might have otherwise been improperly vented. Moreover, EPA believes that the adoption of the appendix B standards will effectively safeguard against contamination of the refrigerant supply. For example, the standard specifies that the equipment discharge or transfer fitting on recover-only equipment shall be unique in order to prevent the unintentional use of extracted CFC-12 used for recharging prior to recycling or reclamation.

The remainder of the comments remarked upon the adoption of SAE J2209 standard as the basis of appendix B, or upon specific provisions of appendix B. The adoption of the J2209 standard for recover-only equipment in appendix B parallels the adoption of the J1990 standard for recover/recycle equipment in appendix A. The J1991-based standard set forth in appendix A establishes a standard for recycled refrigerant and consequently would not apply to recover-only equipment. As discussed above, the J1989-based standard in appendix A has been incorporated by reference in appendix B.

The standard for recover-only equipment proposed by EPA differed

slightly from the then-current draft of J2209, with the Agency's editorial comments included in the appendix B proposed standard in brackets. These editorial comments clarified some terms, inserted missing words and corrected other typographical errors in the J2209 draft. The final version of SAE J2209, which eliminated these errors, has been almost wholly incorporated into today's rulemaking as appendix B.

The significant differences between the draft version of the J2209 standard as set forth in the proposed appendix B, and the final version of this standard as set forth in today's rule, are as follows. First, the proposed appendix B stated that portable refillable containers of recovered refrigerant must be marked with the words "Dirty Refrigerant—Do Not Use Without Recycling." In the final version of J2209, and in this final rule, the container marking must read "Dirty R-12—Do Not Use, Must Be Reprocessed." This change illuminates the fact that refrigerant may either be recycled on-site using recover/recycle equipment, or may be reclaimed off-site to the ARI 700 standard.

In addition, unlike the draft version of J2209, the final J2209 standard and today's final rule: (1) Require that recover-only equipment be preconditioned with standard contaminated CFC-12 before starting the test cycle; (2) designate the temperature of the preconditioning; and (3) specify the operation of the sample method fixture. These additions were incorporated into the final version of J2209 and into appendix B in order to remain consistent with, and as stringent as, SAE J1990. Section 609(b)(2)(a) of the Act states that standards developed by the Administrator shall, as a minimum, be as stringent as SAE J1990 in effect as of November 15, 1990.

The standard reproduced here is almost identical to the final SAE standard submitted to the Agency in June, 1992, except that references to ARI standard 700-88 have been changed to 700-93. SAE intends to make this change in J2209 shortly. In addition, updates or revisions to SAE publications referenced in the standard will not automatically be incorporated by reference.

One commenter urged that EPA adopt ARI standard 740 rather than SAE J2209 as the basis of appendix B because complying with the more stringent J2209 standard would increase the cost of recover-only equipment, so that small businesses would face greater difficulties meeting Section 609 requirements. The standard adopted today in appendix B is as stringent as SAE J1990 regarding the procedure for