

in SAE J1990, J1989 requires safeguards to prevent outgassing.

VI. Summary of Supporting Analyses

A. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether this regulatory action is "significant" and therefore subject to OMB review and the requirements of the Executive Order. The Order defines "significant" regulatory action as one that is likely to lead to a rule that may:

(1) Have an annual effect on the economy of \$100 million or more, or adversely and materially affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined by OMB and EPA that this supplemental 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. The Agency prepared an analysis to assess the impact of the proposed regulation (see Costs and Benefits of MACs Recycling, May 24, 1991) which covers both recover/recycle equipment and recover-only equipment, and is available for review in the public docket for this rulemaking.

B. Regulatory Flexibility Analysis

The Regulatory Flexibility Act, 5 U.S.C. 601-612, requires that Federal agencies examine the impacts of their regulations on small entities. Under 5 U.S.C. 604(a), whenever an agency is required to publish a general notice of proposed rulemaking, it must prepare and make available for public comment an initial regulatory flexibility analysis (RFA). Such an analysis is not required if the head of an agency certifies that a rule will not have a significant economic impact on a substantial number of small entities, pursuant to 5 U.S.C. 605(b).

The Agency performed an initial regulatory flexibility analysis for the July 14, 1992 final rule that this rule supplements. No additional RFA need be prepared for this supplemental final

rule because the changes being made today to that final rule do not alter the original analysis.

C. Paperwork Reduction Act

This supplemental final rule has no new information requirements subject to the Paperwork Reduction Act.

List of Subjects for 40 CFR Part 82

Environmental protection, Chlorofluorocarbons, Motor vehicle air-conditioning, Recover-only equipment, Stratospheric ozone layer.

Dated: April 24, 1995.

Carol M. Browner,
Administrator.

For the reasons set out in the preamble, EPA is hereby amending 40 CFR part 82 as follows:

PART 82—PROTECTION OF STRATOSPHERIC OZONE

1. The authority citation for part 82 continues to read as follows:

Authority: 42 U.S.C. 7414, 7601, 7671, and 7671h.

2. Section 82.32 is amended by redesignating the first four sentences of paragraph (e) as paragraph (e)(1), and redesignating the last four sentences of paragraph (e) as paragraph (e)(2), and by revising the first sentences of newly redesignated paragraphs (e)(1) and (e)(2) to read as follows:

§ 82.32 Definitions.

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(e) (1) Properly using means using equipment in conformity with Recommended Service Procedures and Recommended Practices for the Containment of R-12 (CFC-12) set forth in appendix A or appendix B to this subpart, as applicable.

(2) Refrigerant from reclamation facilities that is used for the purpose of recharging motor vehicle air conditioners must be at or above the standard of purity developed by the Air-conditioning and Refrigeration Institute (ARI 700-93) (which is codified at 40 CFR part 82, subpart F, appendix A, and is available at 4301 North Fairfax Drive, Suite 425, Arlington, Virginia 22203).

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3. Section 82.36 is amended by revising paragraphs (a)(2) and (b) to read as follows:

§ 82.36 Approved refrigerant recycling equipment.

(a) (1) * * *

(2) Equipment that recovers and recycles the refrigerant must meet the standards set forth in appendix A to this subpart (Recommended Service

Procedure for the Containment of R-12, Extraction and Recycle Equipment for Mobile Automotive Air-Conditioning Systems, and Standard of Purity for Use in Mobile Air-Conditioning Systems). Equipment that recovers refrigerant for recycling on-site or for reclamation off-site must meet the standards set forth in appendix B to this subpart (Recommended Service Procedure for the Containment of R-12, Extraction Equipment for Mobile Automotive Air-Conditioning Systems).

(b) Refrigerant recycling equipment purchased before September 4, 1991 that recovers and recycles refrigerant, and refrigerant recycling equipment purchased before April 22, 1992 that recovers refrigerant for recycling on-site or reclamation off-site, that has not been certified under paragraph (a) of this section, shall be considered approved if the equipment is substantially identical to equipment certified under paragraph (a) of this section. Equipment manufacturers or owners may request a determination by the Administrator by submitting an application and supporting documents that indicate that the equipment is substantially identical to approved equipment to: MVACs Recycling Program Manager, Stratospheric Protection Division (6205J), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, Attn: Substantially Identical Equipment Review. Supporting documents must include process flow sheets, lists of components and any other information that would indicate that the equipment is capable of processing the refrigerant to the standards in appendix A or appendix B to this subpart, as applicable. Authorized representatives of the Administrator may inspect equipment for which approval is being sought and request samples of refrigerant that has been extracted and/or recycled using the equipment. Equipment that fails to meet appropriate standards will not be considered approved.

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4. Section 82.38 is amended by revising paragraphs (a) and (b)(1)(iii) to read as follows:

§ 82.38 Approved independent standards testing organizations.

(a) Any independent standards testing organization may apply for approval by the Administrator to certify equipment as meeting the standards in appendix A and appendix B to this subpart, as applicable. This application shall be sent to: MVACs Recycling Program Manager, Stratospheric Protection Division (6205J), U.S. Environmental