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Electronic Docket Access. You may access the final rule electronically through the EPA Internet under the **Federal Register** listings at <http://www.epa.gov/fedrgstr/>.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in the above section. Once in the system, select "search," then key in the appropriate docket identification number.

Worldwide Web (WWW). In addition to being available in the docket, an electronic copy of the final rule will also be available on the WWW through the Technology Transfer Network (TTN). Following signature, a copy of the final rule will be placed on the TTN's policy and guidance page for newly proposed or promulgated rules at <http://www.epa.gov/ttn/oarpg>. The TTN provides information and technology exchange in various areas of air pollution control. If more information regarding the TTN is needed, call the TTN HELP line at (919) 541-5384.

Judicial Review. The NESHAP for site remediation was proposed on July 30, 2002 (67 FR 49398). Today's final rule announces the EPA's decision on the final rule. Under CAA section 307(b)(1), judicial review of the final rule is

available only by filing a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit by December 8, 2003. Only those objections to the final rule which were raised with reasonable specificity during the period for public comment may be raised during judicial review. Under CAA section 307(b)(2), the requirements that are the subject of today's final rule may not be challenged later in civil or criminal proceedings brought by the EPA to enforce these requirements.

Outline. The information presented in this preamble is organized as follows:

I. Background

- A. What is the statutory authority for the final rule?
- B. How did we develop the final rule?
- C. What criteria are used in the development of the final rule?

II. Summary of Final Rule

- A. Who must comply with the final rule?
- B. What are the affected sources?
- C. What are my compliance options?
- D. What are the emissions limitations and work practice standards?
- E. What are the requirements for remediation material that is shipped off-site?
- F. What are the general compliance requirements?
- G. What are the initial compliance requirements?
- H. What are the continuous compliance requirements?
- I. What are the notification, recordkeeping, and reporting requirements?
- J. What are the compliance deadlines?
- K. How does the "once in, always in" policy apply?

III. Responses to Major Comments on Proposed Rule

- A. Why are we promulgating a NESHAP to regulate HAP emissions from site remediation activities?
- B. How did we select the HAP to be regulated by the final rule?
- C. How do we define site remediation for the final rule?
- D. Why does the final rule not apply to CERCLA Superfund and RCRA Corrective Action cleanups?
- E. Why does the final rule potentially apply to State and voluntary cleanup programs?
- F. How does the final rule apply to cleanups of leaking underground storage tanks?
- G. How does the final rule apply to cleanups of radioactive mixed waste?
- H. How does the final rule apply to short-term site remediations at affected facilities?
- I. How does the final rule apply to remediation materials sent off-site from affected facilities?

IV. Summary of Environmental, Energy, and Economic Impacts

- A. What are the air emission impacts?
- B. What are the cost impacts?
- C. What are the economic impacts?
- D. What are the non-air health, environmental and energy impacts?

V. Statutory and Executive Order Reviews

- A. Executive Order 12866: Regulatory Planning and Review
- B. Paperwork Reduction Act
- C. Regulatory Flexibility Act
- D. Unfunded Mandates Reform Act
- E. Executive Order 13132: Federalism
- F. Executive Order 13175: Consultation and Coordination with Indian Tribal Governments
- G. Executive Order 13045: Protection of Children from Environmental Health and Safety Risks
- H. Executive Order 13211: Actions that Significantly Affect Energy Supply, Distribution, or Use
- I. National Technology Transfer Advancement Act
- J. Congressional Review Act

I. Background

A. What Is the Statutory Authority for the Final Rule?

Section 112 of the CAA requires us to list categories and subcategories of major sources and area sources of HAP and to establish NESHAP for the listed source categories and subcategories. Major sources of HAP are defined by CAA section 112(a)(1) as those sources that have the potential to emit greater than 10 tons per year (tpy) of any one HAP or 25 tpy of any combination of HAP. Area sources are stationary sources of HAP that are not major sources. The category of major sources covered by today's final NESHAP for site remediation, was listed on July 16, 1992 (57 FR 31576). We included site remediation on the source category list to address HAP emissions at major sources where remediation technologies and practices are used at the site to clean up contaminated environmental media (e.g., soils, groundwaters, or surface waters) or certain stored or disposed materials that pose a reasonable potential threat to contaminate environmental media.

B. How Did We Develop the Final Rule?

We proposed the Site Remediation NESHAP on July 30, 2002 (67 FR 49398). A 60-day public comment period (July 30, 2002 to September 30, 2002) was provided for the public to submit their comments on the proposed rule. Also, we offered to hold a public hearing to allow any interested persons to present their oral comments on the proposed rule. However, we did not receive a request from anyone to speak at the public hearing, so a public hearing was not held.

We received a total of 51 comment letters and e-mails regarding the proposed rule. Two commenters affiliated with the U.S. Department of the Navy independently submitted the same set of comments; and two