

recommendation, the convenor determined that: (1) There is a need for the rule; (2) there are a limited number of identifiable interests significantly impacted by the rule; (3) a committee can be created with balanced representation which can represent the identified interests and can negotiate in good faith; (4) consensus on the issues appears likely; (5) the consensus process will not unduly delay the issuance of the rule; (6) the agency has resources and is willing to assist the consensus process; and (7) the agency, within the constraints of the law, will use the advisory committee's consensus as the basis of the rule for notice and comment.

#### V. Participants

The committee will include a representative from the Postal Service and representatives, to be selected by the Postal Service, from persons and/or organizations that will be significantly affected by this rule. Each representative may also name an alternate who may attend all committee meetings and will serve in place of the primary representative if necessary. The designated Postal Service representative will be authorized to represent the agency in the committee, and will participate in its activities, discussions, and deliberations.

The convenor has recommended that the Postal Service invite certain organizations to participate in the consensus process. The convenor has contacted these organizations, which have indicated their willingness to serve on the committee. Therefore, the Postal Service proposes to invite the following organizations to participate in the consensus process:

##### *Representing approved apartment house-type mailbox manufacturers:*

1. American Eagle Manufacturing Co.
2. American Locker Security Systems
3. Auth-Florence Manufacturing Co.
4. Bommer Industries, Inc.
5. Jensen Industries, Inc.
6. Mail Security
7. Salsbury Industries

##### *Representing apartment house-type mailbox distributors, installers, and servicers:*

8. Postal Products, Inc.

##### *Representing management, construction, and consumer interests:*

9. Associated Builders & Contractors
10. Association of General Contractors
11. Building Owners & Managers Association International
12. Direct Marketing Association
13. Magazine Publishers of America
14. National Association of

- Homebuilders
15. National Association of Housing & Redevelopment Officials
16. National Association of Realtors
17. National Multi-Housing Council
18. Parcel Shippers Association

#### VI. Tentative Schedule

The first committee meeting is tentatively scheduled for some time during the first 2 weeks of February 2003, at U.S. Postal Service Headquarters, 475 L'Enfant Plaza, SW., Washington, DC. Subsequent meetings will be scheduled by the committee, at the same location, and are expected to occur approximately 4 to 6 weeks apart.

#### VII. Nominations and Applications

Persons and organizations that will be significantly affected by this rule may apply for membership on the committee or nominate another person or organization for membership. Each nomination or application must include: (1) The name of the applicant or nominee and a description of the interests that person or organization represents; (2) evidence that the applicant or nominee is authorized to represent the interests the person proposes to represent; (3) the reasons the applicant or nominator believes its interests or those of its nominee are sufficiently different from the those of organizations listed above that those interests would not be adequately represented by the members of the committee as proposed. All nominations and applications must be received by the Postal Service at the address above no later than February 5, 2003. The Postal Service reserves the right to refuse nominations and applications that do not fulfill these requirements. The Postal Service, with the advice of the convenor, will select committee members that provide adequate representation of each significantly affected interest rather than every individual and organization affected by the rule.

#### VIII. Procedures and Guidelines

##### (A) Facilitator

The Postal Service has selected a neutral, impartial facilitator to serve as chairman of the committee meetings. The facilitator will assist committee members conduct discussions; help committee members define issues and reach consensus; and manage the minutes, agendas, and other records of the committee.

##### (B) Good Faith

Committee members must be committed to negotiate in good faith and be authorized by the individuals and/or

organization(s) they represent to do so. Therefore, senior individuals within each interest group should be designated to serve on the committee. Also, committee members must commit to support the final consensus recommendation of the committee.

##### (C) Administrative Support

Administrative support will be provided by the Postal Service at its headquarters offices.

##### (D) Consensus

"Consensus" is defined for the purposes of this rulemaking as the unanimous concurrence among the committee members unless the committee explicitly adopts a different definition.

##### (E) Committee Procedures

Under the general guidance of the facilitator, and subject to legal requirements, the committee will establish procedures and ground rules.

##### (F) Records

The facilitator will prepare minutes of all committee meetings. These minutes will be available for public inspection and copying as stated above.

**Stanley F. Mires,**

*Chief Counsel, Legislative.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 261

[SW-FRL-7435-3]

#### Reopening of Comment Period for Proposed Exclusion for Identifying and Listing Hazardous Waste and A Determination of Equivalent Treatment; Proposed Rule

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule; notice of reopening of comment period.

**SUMMARY:** The Environmental Protection Agency (EPA, also, 'the Agency' or 'we') is reopening the period for submitting public comments on our previous proposal to approve two petitions submitted by the University of California—E.O. Lawrence Berkeley National Laboratory (or LBNL). The Agency initially announced this proposed decision in the July 31, 2002 **Federal Register** (67 FR 49649). The first petition requested EPA to grant a one-time, generator-specific exclusion

(or 'delisting') of certain LBNL treatment residues from the list of RCRA hazardous waste. The second petition requested EPA to grant a "determination of equivalent treatment" (DET) for a catalytic chemical oxidation (CCO) technology that LBNL used to treat their original mixed waste.

For the first petition, EPA reviewed all of the waste-specific information provided by LBNL and determined that the petitioned waste (tritiated water with no detectable organic chemical constituents) was non-hazardous. For the second petition, EPA reviewed all of the specific CCO treatment information provided by LBNL and determined that the CCO treatment was equivalent to combustion.

EPA received a written request for an informal public hearing. Exercising the discretion set forth in the rules for rulemaking petitions, EPA has granted the request and will hold a public hearing. The purpose of the hearing will be to hear oral comments on our tentative decision.

**DATES:** The public hearing will be held on January 23, 2003 at 7 p.m. EPA is reopening the public comment period and we will accept public comments on these proposed decisions until February 6, 2003. We will stamp comments postmarked after the close of the comment period as "late." These "late" comments may not be considered in formulating a final decisions.

**ADDRESSES:** The public hearing will be held at the North Berkeley Senior Center at 1901 Hearst Avenue, Berkeley, California. Please send two copies of your comments to Rich Vaile, Associate Director, Waste Management Division (WST-1), U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA 94105.

The RCRA regulatory docket for this proposed rule is located at the U.S. Environmental Protection Agency Records Center, 75 Hawthorne Street, San Francisco, CA 94105, and is available for viewing from 9 a.m. to 4 p.m., Monday through Friday, excluding Federal holidays. The docket contains the petition, all information submitted by the petitioner, and all information used by EPA to evaluate the petition. Call the EPA Region 9 RCRA Record Center at (415) 947-4596 for appointments. The public may copy material from the regulatory docket at \$0.15 per page.

**FOR FURTHER INFORMATION CONTACT:** For general information, contact the RCRA Hotline at 800-424-9346. For technical information on specific aspects of these petitions, contact Cheryl Nelson at the

address above or at 415-972-3291, e-mail address: [nelson.cheryl@epa.gov](mailto:nelson.cheryl@epa.gov).

Dated: December 20, 2002.

**Richard Vaile,**

*Acting Director, Waste Management Division, Region IX.*

[FR Doc. 03-174 Filed 1-3-03; 8:45 am]

**BILLING CODE 6560-50-P**

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 02 02-3504, MB Docket No. 02-283, RM-10614]

### Radio Broadcasting Services; Buffalo, OK

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition filed by Robert Fabian proposing the allotment of Channel 224C2 at Buffalo, Oklahoma, as that community's first local FM service. The coordinates for Channel 224C2 at Buffalo are 36-50-36 North Latitude and 99-24-30 West Longitude. There is a site restriction 19.8 kilometers (12.3 miles) east of the community.

**DATES:** Comments must be filed on or before February 10, 2003, and reply comments on or before February 25, 2003.

**ADDRESSES:** Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Robert Fabian, 4 Hickory Crossing Lane, Argyle, Texas 76226.

**FOR FURTHER INFORMATION CONTACT:** Rolanda F. Smith, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MB Docket No. 02-383, adopted December 18, 2002, and released December 20, 2002. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center 445 Twelfth Street, SW, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Qualex International Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

### List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

### PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334 and 336.

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Oklahoma, is amended by adding Buffalo, Channel 224C2.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

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**BILLING CODE 6712-01-P**

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 02-3456; MB Docket No. 02-282; RM-10615]

### Radio Broadcasting Services; Bridgeton, and Pennsauken, NJ

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comment on a petition for rulemaking filed on behalf of Cohanzick Broadcasting Corp., licensee of Station WSNJ-FM and New Jersey Radio Partners, LLC, assignee of Station WSNJ-FM, requesting the substitution of Channel 300A for Channel 299B at Bridgeton, New Jersey, and reallocation of Channel 300A from Bridgeton to Pennsauken, New Jersey, as the