

leaks and spills of PCBs in concentrations over 50 ppm.

40 CFR 761.3.

EPA regulations allow the use, processing, and distribution in commerce of excluded PCB products. 40 CFR 761.20(a) and (c). Except as otherwise provided, the regulations do not restrict the forms of use, processing and distribution that are allowed. EPA specifically identified, as one likely source of PCBs in excluded PCB products, "contamination during recycling activities involving" historic PCBs. 52 FR 25838, 25844 (July 8, 1987). EPA believes that it is reasonable to interpret the regulations as generally allowing the recycling of excluded PCB products. Accordingly, under the interpretation, to the extent that the feedstock (scrap materials) to a shredder consists of these kinds of materials, the plastics separated from the resulting residue can be recycled (and the resulting recycled product is also an excluded PCB product that can be processed, used and distributed in commerce, including being further recycled), provided the PCB concentration in any resulting product is below 50 parts per million (ppm).

The burden of demonstrating that a regulatory exclusion applies rests with the party seeking that exclusion. EPA believes that, for shredders and their suppliers that follow the Voluntary Procedures for Recycling Plastics from Shredder Residue, it is appropriate to generally treat the feedstock as consisting of excluded PCB products unless there is information specifically indicating that the feedstock does not qualify. If shredders and suppliers do not follow the Voluntary Procedures for Recycling Plastics from Shredder Residue, they will need to be able to otherwise demonstrate that the feedstock and residue meet the exclusion. Clearly if the feedstock materials or residue contain PCBs at concentrations  $\geq$  50 ppm, the materials cannot qualify as excluded PCB products.

EPA acknowledges uncertainty as to the source of the PCBs in shredder residue. However, EPA believes the procedures, as explained in the Voluntary Procedures for Recycling Plastics from Shredder Residue, can prevent the introduction of PCBs at levels  $\geq$  50 ppm. EPA may periodically evaluate the processes and procedures involved in recycling plastics recovered from shredder residue. In addition, EPA believes it is likely that the number of potential sources of PCBs at levels  $\geq$  50 ppm has declined since the TSCA section 6(e) prohibitions went into

effect. If PCBs in the feedstock material are  $<$  50 ppm, it is plausible that the sources of PCBs in the residue are excluded PCB products. The information available to EPA indicates that the PCBs found associated with plastics separated from residue are Aroclor PCBs. Aroclors were intentionally manufactured PCB mixtures, not inadvertently generated PCBs. Since PCBs in general and Aroclors more specifically have not been intentionally produced in the United States since the prohibitions in TSCA section 6(e) became effective, the Aroclor identity of the PCBs found associated with plastics separated from shredder residue suggests that they were manufactured prior to 1984.

In promulgating the excluded PCB product rule, EPA described the provision as follows: EPA is adopting the generic 50 ppm exclusion for the processing, distribution in commerce, and use, based on the Agency's determination that the use, processing, and distribution in commerce of products with less than 50 ppm PCB concentration will not generally present an unreasonable risk of injury to health or the environment. EPA could not possibly identify and assess the potential exposures from all the products which may be contaminated with PCBs at less than 50 ppm. \* \* \* EPA has concluded that the costs associated with the strict prohibition on PCB activities are large and outweigh the risks posed by these activities. 53 FR 24210 (June 27, 1988).

EPA has further stated, with respect to the excluded PCB products rule: "These amendments have excluded the majority of low-level PCB activities (less than 50 ppm) from regulation" (Ref. 4). Given the difficulty of determining the precise source of PCBs, EPA believes the purpose of excluding "old" PCBs under the excluded products rule is best effectuated in these circumstances by treating  $<$  50 ppm materials entering a shredder as excluded PCB products unless there is information specifically indicating that the materials do not qualify.

After reviewing the comments received, EPA has weighed the competing considerations and decided to adopt, through this notice, the interpretation discussed in the December 12, 2012 notice. 77 FR 74006 (December 12, 2012). This interpretation is not a legislative rule because it does not impose any binding requirements on either EPA or the regulated community.

#### IV. References

As indicated under **ADDRESSES**, a docket has been established for this

notice under docket ID number EPA-HQ-OPPT-2012-0902. The following is a listing of the documents that are specifically referenced in this notice. The docket includes these documents and other information considered by EPA, including documents that are referenced within the documents that are included in the docket, even if the referenced document is not physically located in the docket. For assistance in locating these other documents, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

1. ISRI. Voluntary Procedures for Recycling Plastics from Shredder Residue, October 24, 2012.
2. ISRI. Letter from Robin K. Weiner to Steve Owens, February 24, 2011.
3. EPA. Agency Response to Comments—Polychlorinated Biphenyls (PCBs); Recycling Plastics from Shredder Residue, March 2013.
4. EPA. PCB Q & A Manual: An EPA TSCA assistance document designed to provide the regulated community with Agency interpretations to frequently posed questions, 1994, available at <http://www.epa.gov/osw/hazard/tsd/pcbs/pubs/manual.pdf>.

#### List of Subjects

Environmental protection, Hazardous substance, PCBs, Plastic, Polychlorinated biphenyls, Recycling, Shredder residue.

Dated: March 29, 2013.

**James Jones**,

*Acting Assistant Administrator, Office of Chemical Safety and Pollution Prevention.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9798-9]

### Notice of Proposed CERCLA Agreement and Order on Consent for Removal Action by Bona Fide Prospective Purchaser; All Metals Processing Company Site, San Fernando Valley Area 2 Superfund Site, Glendale Chromium Operable Unit, 264 W. Spazier Ave., Burbank, California

**ACTION:** Notice; request for public comment.

**SUMMARY:** Notice is hereby given pursuant to Section 122(i), of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as Amended (CERCLA) that the United States Environmental Protection Agency (EPA) has reached a

proposed agreement (Agreement) with a Bona Fide Prospective Purchaser concerning a removal action to be carried out at the All Metal Processing Company Site, part of the San Fernando Valley Area 2 Superfund Site, Glendale Chromium Operable Unit, located at 264 W. Spazier Ave., Burbank, California. Under the proposed Agreement, executed March 25, 2013, the Brett and Chris Warner Trust, dated May 31, 2012 (Purchaser), the Bona Fide Prospective Purchaser of 264 W. Spazier Ave., Burbank, California, has agreed to relocate an existing monitoring well on the property under the oversight of the EPA. In addition, the Purchaser has agreed to maintain a cap over the property through construction of a warehouse and adjacent parking area. In addition, the Purchaser has agreed to pay EPA its oversight costs up to \$20,000. In return, the Purchaser will receive a covenant not to sue by EPA, provided the Purchaser complies with all terms and conditions of the Agreement. The Purchaser will also receive contribution protection under CERCLA.

For thirty (30) calendar days following the date of publication of this notice, EPA will receive comments relating to the proposed Agreement. EPA's response to comments received will be available for public inspection at the Superfund Records Center, 95 Hawthorne Ave., Suite 403S, San Francisco, CA 94105, 415-764-4963.

**DATES:** Comments must be received on or before May 6, 2013.

*Availability:* The proposed Agreement may be obtained from the Superfund Records Center, 95 Hawthorne Street, Suite 403S, San Francisco, CA 94105, Phone 415-764-4963. Comments regarding the proposed Agreement should be addressed to Larry Bradfish at the address below, and should reference "All Metals Processing Company Site" and "EPA Docket No. R9-2013-04."

**FOR FURTHER INFORMATION CONTACT:** Larry Bradfish, Assistant Regional Counsel (ORC-3), Office of Regional Counsel, U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105; Email: [bradfish.larry@epa.gov](mailto:bradfish.larry@epa.gov); Phone (415) 972-3934.

Dated: March 28, 2013.

**Jane Diamond,**

*Director, Superfund Division, Region IX.*

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## FEDERAL RESERVE SYSTEM

### Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than April 22, 2013.

A. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street NE., Atlanta, Georgia 30309:

1. *Phillip Bruce Culpepper, Tallahassee, Florida; Richard Rene Dostie, Charles Eldridge Hughes, Jr., and Jan Malcolm Jones, Jr., all of Jacksonville, Florida; James Thomas Katsur, Longwood, Florida; William Andrew Krusen, Jr., and Allan Scott Martin, both of Tampa, Florida; Linda Claire McGurn, Micanopy, Florida; and Manuel Gonzalo Sanchez, Gainesville, Florida;* to collectively acquire voting shares of Florida Capital Group, Inc., and thereby indirectly acquire voting shares of Florida Capital Bank, both of Jacksonville, Florida.

B. Federal Reserve Bank of Minneapolis (Jacqueline G. King, Community Affairs Officer) 90 Hennepin Avenue, Minneapolis, Minnesota 55480-0291:

1. *William P. Von Holtum, Edina, Minnesota, individually and as trustee of the voting trust of the John E. Von Holtum Estate; Megan E. Von Holtum and Christopher J. Von Holtum, all of Edina, Minnesota, as members of the Von Holtum Family Group;* to retain voting shares of Central Trust Company, Edina, Minnesota, and thereby indirectly retain voting shares of Central Bank and Trust, Lander, Wyoming; CenBank, Buffalo Lake, Minnesota; and VH Bancorporation, Inc., Edina, Minnesota, and its subsidiary Grand Marais State Bank, Grand Marais, Minnesota.

2. *Tina Pogatchnik Rabe, Hinckley, Minnesota;* as a member of the Pogatchnik family group, and

individually and as trustee of the D.A. Pogatchnik Family Trust, and the Bruce Pogatchnik Family Trust, both in Hinckley, Minnesota, and Bruce A. Pogatchnik, as trustee of the Dean L. Pogatchnik Grandchildren's Trust, Finlayson, Minnesota, and for all to join the Pogatchnik family group; to retain voting shares of Finlayson Bancshares, Inc., Finlayson, Minnesota, and thereby indirectly retain voting shares of Northview Bank, Sandstone, Minnesota, and First Independent Bank, Russell, Minnesota.

Board of Governors of the Federal Reserve System, April 2, 2013.

**Margaret McCloskey Shanks,**  
*Deputy Secretary of the Board.*

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## FEDERAL RESERVE SYSTEM

### Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than April 19, 2013.

A. Federal Reserve Bank of Richmond (Adam M. Drimer, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23261-4528:

1. *Hope Holding Connell, Raleigh, North Carolina;* to retain voting shares of Southern BancShares (N.C.), Inc., and thereby indirectly retain voting shares of Southern Bank and Trust, both in Mount Olive, North Carolina.

Board of Governors of the Federal Reserve System, April 1, 2013.

**Margaret McCloskey Shanks,**  
*Deputy Secretary of the Board.*

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**BILLING CODE 6210-01-P**