

submitting down payments, final payments, and the long-form applications (FCC Forms 301).

#### A. Down Payments

138. Within ten business days after release of the auction closing public notice, each winning bidder must submit sufficient funds (in addition to its upfront payment) to bring its total amount of money on deposit with the Commission for Auction 94 to twenty percent of the net amount of its winning bids (gross bids less any applicable new entrant bidding credits).

#### B. Final Payments

139. Each winning bidder will be required to submit the balance of the net amount of its winning bids within ten business days after the applicable deadline for submitting down payments.

#### C. Long-Form Application (FCC Form 301)

140. The Commission's rules currently provide that within thirty days following the close of bidding and notification to the winning bidders, unless a longer period is specified by public notice, winning bidders must electronically submit a properly completed long-form application (FCC Form 301, Application for Construction Permit for Commercial Broadcast Station), and required exhibits for each construction permit won through Auction 94. Winning bidders claiming new entrant status must include an exhibit demonstrating their eligibility for the bidding credit. Further instructions on these and other filing requirements will be provided to winning bidders in the auction closing public notice.

#### D. Default and Disqualification

141. Any winning bidder that defaults or is disqualified after the close of the auction (i.e., fails to remit the required down payment within the prescribed period of time, fails to submit a timely long-form application, fails to make full payment, or is otherwise disqualified) will be subject to the payments described in 47 CFR 1.2104(g)(2). This payment consists of a deficiency payment, equal to the difference between the amount of the Auction 94 bidder's winning bid and the amount of the winning bid the next time a construction permit covering the same spectrum is won in an auction, plus an additional payment equal to a percentage of the defaulter's bid or of the subsequent winning bid, whichever is less. The percentage of the applicable bid to be assessed as an additional

payment for defaults in Auction 94 is Twenty percent of the applicable bid.

#### E. Refund of Remaining Upfront Payment Balance

142. After the auction, applicants that are not winning bidders or are winning bidders whose upfront payment exceeded the total net amount of their winning bids may be entitled to a refund of some or all of their upfront payment. All refunds will be returned to the payer of record, as identified on the FCC Form 159, unless the payer submits written authorization instructing otherwise. Bidders that drop out of the auction completely (have exhausted all of their activity rule waivers and have no remaining bidding eligibility) may request a refund of their upfront payments before the close of the auction.

Federal Communications Commission.

**Gary D. Michaels,**

*Deputy Chief, Auctions and Spectrum Access Division, WTb.*

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**BILLING CODE 6712-01-P**

### 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 January 25, 2013.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198-0001:

1. *The Donald L. Patry Revocable Trust; Ellen M. Patry Revocable Trust, and Ellen Patry, trustee, all of Newton, Kansas; Corey Patry, Wichita, Kansas; Brandon Patry, and Katie Patry, both of Valley Center, Kansas, as a group acting in concert, to retain voting shares of Whitewater Bancshares, Inc., and thereby indirectly retain voting shares of*

Bank of Whitewater, both in Whitewater, Kansas.

Board of Governors of the Federal Reserve System, January 7, 2013.

**Margaret McCloskey Shanks,**

*Deputy Secretary of the Board.*

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**BILLING CODE 6210-01-P**

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### Food and Drug Administration

[Docket No. FDA-2012-P-1189]

#### Canned Tuna Deviating From Identity Standard; Temporary Permit for Market Testing

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA or we) received an application for a temporary permit from Chicken of the Sea International (the applicant). We are announcing that we have issued a temporary permit to the applicant to market test products (designated as "no drain canned tuna" products) that deviate from the U.S. standard of identity for canned tuna. The purpose of the temporary permit is to market test the product throughout the United States. The permit will allow the applicant to measure consumer acceptance of the new product and assess the new product's commercial feasibility.

**DATES:** This permit is effective for 15 months, beginning on the date the applicant introduces or causes the introduction of one or more of the test products into interstate commerce, but not later than April 10, 2013.

**FOR FURTHER INFORMATION CONTACT:** Loretta A. Carey, Center for Food Safety and Applied Nutrition (HFS-820), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 240-402-2371.

**SUPPLEMENTARY INFORMATION:** We are giving notice that we have issued a temporary permit to Chicken of the Sea International, 9330 Scranton Rd., suite 500, San Diego, CA 92121-7706. We are issuing the temporary permit in accordance with 21 CFR 130.17, which addresses temporary permits for interstate shipment of experimental packs of food varying from the requirements of standards of identity issued under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341).

The permit covers limited interstate marketing tests of products identified as “no drain canned tuna” products. These test products deviate from the U.S. standard of identity for canned tuna (21 CFR 161.190, hereinafter “the standard”) in that the test products are prepared by: (1) Adding such a small amount of liquid that the products will not contain a packing medium in accordance with the standard; (2) adding seasoning and flavoring ingredients (*i.e.*, lemon juice concentrate, lime oil, and chili paste) that are not permitted under the current standard; and (3) deviating from the fill requirements of the standard without including on the product label a general statement of substandard fill. The test products meet all the requirements of the standard with the exception of these three deviations. The purpose of this temporary permit is to market test the product throughout the United States. The permit will allow the applicant to measure customer acceptance of the new product and assess the new product’s commercial feasibility.

This permit provides for the temporary marketing of a total 533,333 cases of 12 x 4 ounce cans (totaling 6.4 million cans), covering 1.6 million pounds (725,747 kg) of test products. The test products will be manufactured by: Thai Union Frozen Products Public Company PLC (located at 30/2 Sethakit 1 Rd., Tambon Tarsrai, Amphur Muang, Samutsakon 74000, Thailand); Paul Paulet SAS (located at SA Zone Industrielle De Pouldavid, 29177 Dourrneinez, France); Pioneer Food Company (located at Pioneer Food Company Building, P.O. Box 4D, Fishing Harbour, Tema, Ghana); and Indian Ocean Tuna LTD (located at P.O. Box 676, Fishing Port Victoria, Mahé, Seychelles). Chicken of the Sea International will distribute the test products throughout the United States. Under this temporary permit, the principal display panels of the test products must bear the phrase “no drain

canned tuna” in addition to one of the following names: “Solid Light Tuna,” “Solid White Albacore Tuna,” “Solid Light Tuna Thai Chili,” and “Solid Light Tuna Lemon Pepper.” The information panels on the labels of the test products must bear nutrition labeling in accordance with 21 CFR 101.9. Each of the ingredients used in the food must be declared on the labels of the test products as required by the applicable sections of 21 CFR part 101. This permit is effective for 15 months, beginning on the date the applicant introduces or causes the introduction of one or more of the test products into interstate commerce, but not later than April 10, 2013.

Dated: December 26, 2012.

**Barbara Schneeman,**

*Director, Office of Nutrition, Labeling and Dietary Supplements, Center for Food Safety and Applied Nutrition.*

[FR Doc. 2013–00293 Filed 1–9–13; 8:45 am]

**BILLING CODE 4160–01–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Health Resources and Services Administration**

**Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request**

**ACTION:** Notice.

**SUMMARY:** In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Health Resources and Services Administration (HRSA) will submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB). Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period.

To request a copy of the clearance requests submitted to OMB for review, email [paperwork@hrsa.gov](mailto:paperwork@hrsa.gov) or call the HRSA Reports Clearance Office at (301) 443–1984.

*Information Collection Request Title:* Telehealth Resource Center Performance Measurement Tool (OMB No. 0915–xxxx)—NEW.

*Abstract:* In order to ensure the best use of public funds and to meet GPRA requirements, the Office for the Advancement of Telehealth (OAT) in collaboration with Telehealth Resource Centers (TRCs) has developed a set of performance metrics to evaluate the technical assistance services provided by the TRCs. The TRC Performance Indicator Data Collection Tool contains the data elements that would need to be collected by TRCs in order to report on the performance metrics. This tool can be easily translated into a web-based data collection system (PIMS). Also, it will allow the TRCs to report to OAT around their projects’ performance progress and will allow OAT to demonstrate to Congress the value added from the TRC Grant Program.

*Burden Statement:* Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions, to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information, to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information, and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

The annual estimate of burden is as follows:

Form name	Number of respondents	Responses per respondent	Total responses	Hours per response	Total burden hours
Telehealth Resource Center Performance Data Collection	10	76	760	0.07	53
Total .....	10	76	760	0.07	53

**ADDRESSES:** Submit your comments to the desk officer for HRSA, either by email to [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov) or by fax to 202–395–5806. Please direct all correspondence to the “attention of the desk officer for HRSA.”

*Deadline:* Comments on this ICR should be received within 30 days of this notice.

Dated: December 28, 2012.

**Bahar Niakan,**

*Director, Division of Policy and Information Coordination.*

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**BILLING CODE 4165–15–P**