II. Spectrum Act Preservation Mandate: We take this opportunity to remind stations that, as provided in the Spectrum Act and the NPRM, the extent to which a facility that is not covered by Section 6403(b)(2) (a "non-covered facility") will be preserved in the repacking process will be decided by the Commission in the Incentive Auction rulemaking proceeding.\(^4\)

For stations with non-covered authorized facilities, we take this opportunity to remind them, before additional investments are made in these non-covered facilities, that the extent to which the non-covered facility will be preserved in the repacking process will be decided by the Commission in the Incentive Auction rulemaking proceeding.\(^5\)

Accordingly, the Media Bureau will process applications from permittees modifying their non-covered facilities to revert to the service area resulting from the station's licensed facilities as of February 22, 2012. If a permittee of a non-covered facility fails to file for this modification, the extent of preservation of the non-covered facility will be determined by the Commission in the Incentive Auction rulemaking proceeding.

This action is taken by the Chief, Media Bureau pursuant to authority delegated by 47 CFR 0.283 of the Commission's rules.

Federal Communications Commission.

Barbara Kreisman,
Chief, Video Division, Media Bureau.
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BILLING CODE 6712–01–P

\(^3\) The decision to impose these limitations on the filing and processing of modification applications is procedural in nature, and therefore is not subject to the notice and comment and effective date requirements of the Administrative Procedure Act. See 5 U.S.C. 553(b)(A), (d); see also Neighborhood TV Co. v. FCC, 742 F.2d 629, 637–38 (D.C. Cir. 1984) (holding that the Commission's filing freeze is a procedural rule not subject to the notice and comment requirements of the Administrative Procedure Act); Buckeye Cablevision, Inc. v. United States, 438 F.2d 948, 952–53 (6th Cir. 1971); Kessler v. FCC, 320 F.2d 673, 680–82 (D.C. Cir. 1963).

Moreover, we find that there is good cause for not delaying the effect of these procedures until 30 days after publication in the Federal Register. Such a delay would be impractical, unnecessary, and contrary to the public interest because it would undercut the purposes of these procedures. See 5 U.S.C. 553(b)(B), (d)(3).

\(^4\) See Spectrum Act at Sections 6403(b)(2), 6403(i)(1); NPRM, 27 FCC Rcd at 12390, 12397 paras. 98, 113.

\(^5\) Id.
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 June 18, 2013.

1. Leland E. Boren, Upland, Indiana; as an individual and the group consisting of Leland E. Boren; Leland E. Boren, IRA; Leland E. Boren as Co-Representative of the Lariita R. Boren Estate; the Lariita R. Boren CRT III, the Andrew J. Bowser Trust, and the Samantha L. Bowser Trust, and Leland E. Boren as trustee of the Lael E. Boren Trust with Patsy L. Smith, as trustee; to acquire voting shares of Texhoma Bancshares, Inc., and thereby indirectly retain voting shares of Anchor D Bank, both in Texhoma, Oklahoma.

2. The LaRita R. Boren CRT III, the Representative of the LaRita R. Boren Estate; Leland E. Boren, Upland, Indiana; the John L. Freeman 2012 Trust, Guymon, Oklahoma, and Jacqueline Freeman, Texhoma, Oklahoma, trustee; all as members of the Freeman family control group, to retain voting shares of Texhoma Bancshares, Inc., and thereby indirectly retain voting shares of Anchor D Bank, both in Texhoma, Oklahoma.


Michael J. Lewandowski, Assistant Secretary of the Board.

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Forms of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below. The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 18, 2013.

1. FNB Corporation, Hermitage, Pennsylvania; to acquire 100 percent of the voting shares of PVF Capital Corp., Solon, Ohio, and indirectly acquire Park View Federal Savings Bank, Solon, Ohio, and thereby engage in a savings association, pursuant to section 225.28(b)(4). Comments regarding this application must be received by June 28, 2013.

2. Omega Capital Corp., Lakewood, Colorado; to directly engage de novo in become a bank holding company by acquiring 100 percent of the voting shares of Virginia National Bank, Charlottesville, Virginia.


Michael J. Lewandowski, Assistant Secretary of the Board.

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