

**DEPARTMENT OF JUSTICE****Notice of Lodging of Proposed Consent Decree Under the Clean Water Act and Oil Pollution Act**

On June 3, 2019, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Western District of Washington in the lawsuit entitled *United States, State of Washington through the Washington Department of Ecology, Suquamish Tribe, and Tulalip Tribes v. Port of Everett*, Civil Action No. 2:19-cv-00843.

The proposed Consent Decree resolves claims alleged by the U.S. Department of the Interior, the National Oceanic and Atmospheric Administration, the State of Washington, the Suquamish Tribe, and the Tulalip Tribes (“the Port Gardner Bay Trustees”) against the Defendant Port of Everett (“the Port”) for natural resource damages caused by discharges of hazardous substances and oil to the Port Gardner Bay Area in Everett, Washington. The settlement requires the Port to construct and maintain the Blue Heron Slough Restoration Project, which will restore 338 acres of intertidal estuarine and upland habitats in the lower Snohomish River estuary, and to resolve its liability by retiring conservation bank credits equivalent to approximately 35 acres of the Project. The Port will also pay a proportionate share of assessment costs incurred by the Port Gardner Bay Trustees, totaling \$703,496. The United States, on behalf of the U.S. Navy, will make a payment of \$789,840 to be used towards construction of the Project, and pay assessment costs totaling \$135,931. In exchange for the payment from the Navy and prior settlement payments from other parties, the Port will retire additional conservation bank credits equivalent to approximately 36 additional acres of the Project. The Port and the Navy will receive covenants not to sue under federal statutory law and state statutory or common law, for natural resource damages caused by discharges of hazardous substances and oil from their facilities (identified in Appendix B to the Decree) to the Port Gardner Bay Area.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States, State of Washington through the Washington Department of Ecology, Suquamish Tribe, and Tulalip Tribes v. Port of Everett*, D.J. Ref. No.

90–11–3–10859/1. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

| <i>To submit comments:</i> | <i>Send them to:</i>  |
|----------------------------|---|
| By email .....             | <i>pubcomment-ees.enrd@usdoj.gov.</i>   |
| By mail .....              | Assistant Attorney General,<br>U.S. DOJ—ENRD, P.O.<br>Box 7611, Washington,<br>D.C. 20044–7611. |

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>. We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for \$47.00 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy without appendices, the cost is \$19.00.

**Susan Akers,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 2019–11981 Filed 6–6–19; 8:45 am]

**BILLING CODE 4410–15–P**

**DEPARTMENT OF JUSTICE****Notice of Lodging of Proposed Fifth Joint Modification to Consent Decree Under the Clean Air Act**

On May 29, 2019, the Department of Justice lodged a proposed Fifth Joint Modification To Consent Decree with the United States District Court for the Southern District of Ohio in the lawsuit entitled *United States, et al. v. American Electric Power Service Corp., et al.*, Civil Action Nos. 99–1182 (EAS) and 99–1250 (EAS).

Under the original Consent Decree, entered by the Court on December 10, 2007, American Electric Power Service Corp., et al. (AEP) agreed to substantially reduce sulfur dioxide (SO<sub>2</sub>) and nitrogen oxides (NO<sub>x</sub>) emissions from the AEP Eastern System that was then comprised of sixteen coal-fired power plants. As part of the original Consent Decree, AEP was required to install flue gas desulfurization (FGD) technology to reduce SO<sub>2</sub> on two electric generating units located at AEP’s Rockport, Indiana

power plant. The original Consent Decree required AEP to install FGD technology on Rockport Unit 1 by December 31, 2017 and on Rockport Unit 2 by December 31, 2019. The Consent Decree’s requirements for Rockport Unit 1 and Rockport Unit 2 were later modified by the Third Joint Modification to the Consent Decree that was entered by the Court on May 14, 2013. Under the Third Joint Modification to the Consent Decree, AEP was required to retrofit, refuel, or re-power one Rockport Unit by December 31, 2025 and the second Rockport Unit by December 31, 2028.

Under the proposed Fifth Joint Modification to Consent Decree, the deadline for AEP to retrofit, refuel, or re-power Rockport Unit 1 is extended until December 31, 2028 and the requirement to retrofit, refuel, or re-power Rockport Unit 2 is removed. In exchange, AEP agrees to do the following: (1) Install enhanced dry sorbent injection technology to reduce SO<sub>2</sub> emissions on Rockport Unit 1 by December 31, 2020 and Rockport Unit 2 by June 1, 2020; (2) comply with a 30-day rolling average emission rate of 0.15 pounds of SO<sub>2</sub> per million British thermal units of heat input at the Rockport Units for years 2021 and beyond; (3) reduce the AEP Eastern System-wide annual tonnage limitations for SO<sub>2</sub> for years 2021 and beyond; (4) reduce the Rockport Plant-wide annual tonnage limitations for SO<sub>2</sub> for years 2021 and beyond; (5) install selective catalytic reduction NO<sub>x</sub> control technology on Rockport Unit 2 by June 1, 2020; (6) comply with a 30-day rolling average emission rate of 0.09 pounds of NO<sub>x</sub> per million British thermal units of heat input at the Rockport Units for years 2021 and beyond; (7) reduce the AEP Eastern System-wide annual tonnage limitations for NO<sub>x</sub> for years 2018 and beyond; (8) provide the State Co-Plaintiffs with an additional \$4 million in mitigation funding; (9) provide the Citizen Co-Plaintiffs with an additional \$3.5 million in mitigation funding; and (10) retire Rockport Unit 1 by December 31, 2028.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the Fifth Joint Modification to Consent Decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, and should refer to *United States, et al. v. American Electric Power Services Corp.*, D. J. Ref. No. 90–5–2–1–06893. All comments must be submitted no later than thirty days after the publication date of this notice.

Comments may be submitted either by email or by mail:

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|----------------------------|---|
| <i>To submit comments:</i> | <i>Send them to:</i>  |
| By email .....             | <i>pubcomment-ees.enrd@usdoj.gov.</i>   |
| By mail .....              | Assistant Attorney General,<br>U.S. DOJ—ENRD, P.O.<br>Box 7611, Washington, DC<br>20044-7611. |

During the public comment period, the Fifth Joint Modification may be examined and downloaded at this Department of Justice website: <http://www.justice.gov/enrd/consent-decrees>.

We will provide a paper copy of the Fifth Joint Modification upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Please enclose a check in the amount of \$9.50 (25 cents per page reproduction cost) payable to the United States Treasury.

**Randall M. Stone,**

*Acting Assistant Section Chief,  
Environmental Enforcement Section,  
Environment & Natural Resources Division.*

[FR Doc. 2019-11948 Filed 6-6-19; 8:45 am]

**BILLING CODE 4410-15-P**

## LIBRARY OF CONGRESS

### Copyright Royalty Board

[Docket No. 19-CRB-0008-AU (TuneIn, Inc.)]

#### Notice of Intent To Audit

**AGENCY:** Copyright Royalty Board (CRB), Library of Congress.

**ACTION:** Public notice.

**SUMMARY:** The Copyright Royalty Judges announce receipt of a notice of intent to audit the 2018 statements of account submitted by commercial webcaster TuneIn, Inc. concerning royalty payments it made pursuant to two statutory licenses.

**ADDRESSES:** *Docket:* For access to the docket to read background documents, go to eCRB, the Copyright Royalty Board's electronic filing and case management system, at <https://app.crb.gov/> and search for docket number 19-CRB-0008-AU (TuneIn, Inc.).

**FOR FURTHER INFORMATION CONTACT:** Anita Blaine, CRB Program Specialist, by telephone at (202) 707-7658 or email at [crb@loc.gov](mailto:crb@loc.gov).

**SUPPLEMENTARY INFORMATION:** The Copyright Act, title 17 of the United States Code, grants to sound recordings copyright owners the exclusive right to publicly perform sound recordings by means of certain digital audio transmissions, subject to limitations. Specifically, the performance right is limited by the statutory license in section 114, which allows nonexempt noninteractive digital subscription services, eligible nonsubscription services, pre-existing subscription services, and preexisting satellite digital audio radio services to perform publicly sound recordings by means of digital audio transmissions. 17 U.S.C. 114(f). In addition, a statutory license in section 112 allows a service to make necessary ephemeral reproductions to facilitate the digital transmission of the sound recording. 17 U.S.C. 112(e).

Licensees may operate under these licenses provided they pay the royalty fees and comply with the terms set by the Copyright Royalty Judges. The rates and terms for the section 112 and 114 licenses are set forth in 37 CFR parts 380 and 382 through 384.

As part of the terms for these licenses, the Judges designated SoundExchange, Inc., as the Collective, *i.e.*, the organization charged with collecting royalty payments and statements of account submitted by eligible licensees and with distributing royalties to the copyright owners and performers entitled to receive them under the section 112 and 114 licenses. *See, e.g.*, 37 CFR 380.2(a).

As the Collective, SoundExchange may, only once a year, conduct an audit of a licensee for any or all of the prior three calendar years in order to verify royalty payments. SoundExchange must first file with the Judges a notice of intent to audit a licensee and deliver the notice to the licensee. *See, e.g.*, 37 CFR 380.6(c).

On May 7, 2019, SoundExchange filed with the Judges notice of intent to audit licensee TuneIn, Inc. for their transmissions terminating in the United States for the year 2018. The Judges must publish notice in the **Federal Register** within 30 days of receipt of a notice announcing the Collective's intent to conduct an audit. *See id.* This notice fulfills this requirement with respect to SoundExchange's notice of intent to audit filed May 7, 2019.

Dated: June 3, 2019.

**Jesse M. Feder,**

*Chief Copyright Royalty Judge.*

[FR Doc. 2019-11922 Filed 6-4-19; 11:15 am]

**BILLING CODE 1410-72-P**

## NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

### Institute of Museum and Library Services

#### Notice of Proposed Information Collection Request: Public Libraries Survey FY 2019—FY 2021

**AGENCY:** Institute of Museum and Library Services, National Foundation for the Arts and the Humanities.

**ACTION:** Notice, request for comments on this collection of information.

**SUMMARY:** The Institute of Museum and Library Services (IMLS), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act. This pre-clearance consultation program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The purpose of this Notice is to solicit comments concerning the continuance of the Public Libraries Survey for Fiscal Years 2019—2021. A copy of the proposed information collection request can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

**DATES:** Written comments must be submitted to the office listed in the addressee section below on or before August 6, 2019.

IMLS is particularly interested in comments that help the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques, or other forms of