

Kiowa Indian Tribe of Oklahoma may proceed.

TARL is responsible for notifying the Comanche Nation, Oklahoma, the Kiowa Indian Tribe of Oklahoma, the Mescalero Apache Tribe of the Mescalero Reservation, New Mexico, and the Tonkawa Tribe of Indians of Oklahoma that this notice has been published.

Dated: June 29, 2016.

**Melanie O'Brien,**

Manager, National NAGPRA Program.

[FR Doc. 2016-16277 Filed 7-8-16; 8:45 am]

**BILLING CODE 4312-50-P**

**DEPARTMENT OF JUSTICE**

**Notice of Lodging of Modification To Consent Decree Under Comprehensive Environmental Response, Compensation, and Liability Act**

Notice is hereby given that on June 30, 2016, a proposed modification (“Modification”) to the consent decree in *United States v. City of Newburgh, et al.*, Civil Action No. 08 Civ. 7378, was lodged with the United States District Court for the Southern District of New York.

The Modification resolves the claims of the United States under sections 107 and 113 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9607 and 9613, against 34 potentially responsible parties (the “New Settlers”) who arranged for scrap metal containing hazardous substances to be transported to the Consolidated Iron and Metal Company Superfund Site for treatment or disposal. The site is a former junkyard and scrap metal processing facility located in the Newburgh, New York. Consolidated Iron and Metal Company, Inc., now defunct, operated the facility from the 1950s until 1999. Consolidated, while processing scrap metal materials, contaminated the site with hazardous substances, including lead, polychlorinated biphenyls and volatile organic compounds.

After the consent decree became effective, the five defendants who signed the consent decree (the “Original Settlers”) reached settlements with the New Settlers. As permitted by the consent decree, the Original Settlers presented the settlements to the Environmental Protection Agency for potential inclusion in the consent decree by amendment or separate agreement, with the net proceeds to be divided between the United States and the Defendants. EPA has agreed to

inclusion of the settlements with the New Settlers.

The total net proceeds from these settlements will be \$717,070. In accordance with the consent decree, the Modification provides for the New Settlers to pay \$437,078 to the United States and \$279,992 to the Original Settlers. The New Settlers will receive contribution protection and a covenant not to sue from the United States.

The publication of this notice opens a period for public comment on the Modification. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. City of Newburgh, et al.*, D.J. Ref. 90-11-3-07979/2. 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, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

During the public comment period, the Modification may be examined and downloaded at this Justice Department Web site: <https://www.justice.gov/enrd/consent-decrees>. We will provide a paper copy of the 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 or money order for \$10.75 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy without the exhibits and signature pages, the cost is \$1.00.

**Robert E. Maher, Jr.,**

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

[FR Doc. 2016-16294 Filed 7-8-16; 8:45 am]

**BILLING CODE 4410-15-P**

**LEGAL SERVICES CORPORATION**

**Sunshine Act Meeting**

**DATE AND TIME:** The Legal Services Corporation’s Finance Committee will meet telephonically on July 14, 2016. The meeting will commence at 2:00

p.m., EDT, and will continue until the conclusion of the Committee’s agenda.

**LOCATION:** John N. Erlenborn Conference Room, Legal Services Corporation Headquarters, 3333 K Street NW., Washington, DC 20007.

**PUBLIC OBSERVATION:** Members of the public who are unable to attend in person but wish to listen to the public proceedings may do so by following the telephone call-in directions provided below.

**CALL-IN DIRECTIONS FOR OPEN SESSIONS:**

- Call toll-free number: 1-866-451-4981;
- When prompted, enter the following numeric pass code: 5907707348
- When connected to the call, please immediately “MUTE” your telephone.

Members of the public are asked to keep their telephones muted to eliminate background noises. To avoid disrupting the meeting, please refrain from placing the call on hold if doing so will trigger recorded music or other sound. From time to time, the Chair may solicit comments from the public.

**STATUS OF MEETING:** Open.

**MATTERS TO BE CONSIDERED:**

1. Approval of agenda
2. Consider and act on FY 2018 Budget Request *Resolution 2016-XXX*
  - Jim Sandman, President
  - Carol Bergman, Director, Government Relations and Public Affairs
  - Jeffrey Schanz, Inspector General
3. Public comment
4. Consider and act on other business
5. Consider and act on adjournment of meeting.

**CONTACT PERSON FOR INFORMATION:**

Katherine Ward, Executive Assistant to the Vice President & General Counsel, at (202) 295-1500. Questions may be sent by electronic mail to [FR\\_NOTICE\\_QUESTIONS@lsc.gov](mailto:FR_NOTICE_QUESTIONS@lsc.gov).

**ACCESSIBILITY:** LSC complies with the Americans with Disabilities Act and Section 504 of the 1973 Rehabilitation Act. Upon request, meeting notices and materials will be made available in alternative formats to accommodate individuals with disabilities. Individuals needing other accommodations due to disability in order to attend the meeting in person or telephonically should contact Katherine Ward, at (202) 295-1500 or [FR\\_NOTICE\\_QUESTIONS@lsc.gov](mailto:FR_NOTICE_QUESTIONS@lsc.gov), at least 2 business days in advance of the meeting. If a request is made without advance notice, LSC will make every effort to accommodate the request but cannot guarantee that all requests can be fulfilled.

Dated: July 7, 2016.

**Katherine Ward,**

*Executive Assistant to the Vice President for Legal Affairs and General Counsel.*

[FR Doc. 2016-16432 Filed 7-7-16; 4:15 pm]

**BILLING CODE 7050-01-P**

## LIBRARY OF CONGRESS

### Copyright Royalty Board

[Docket No. 14-CRB-0006 DART SR (CO/FA) (2013)]

### Distribution of 2013 Digital Audio Recording Royalty Funds

**AGENCY:** Copyright Royalty Board, Library of Congress.

**ACTION:** Determination.

**SUMMARY:** The Copyright Royalty Judges announce their determination regarding distribution of the Digital Audio Recording Technologies (DART) royalties deposited with the Licensing Division of the Copyright Office during 2013 to copyright owners and featured recording artists. The Judges issued their determination to the participants in the proceeding in March 2016 and received one motion for rehearing. On May 6, 2016, the Judges denied the motion and forwarded the determination to the Register of Copyrights for the mandatory 60-day review prior to publication in the **Federal Register** in accordance with 17 U.S.C. 801(f)(1)(D) & 803(c)(6).<sup>1</sup>

**DATES:** *Effective Date:* July 11, 2016.

**FOR FURTHER INFORMATION CONTACT:** Kimberly Whittle at (202) 707-7658 or at [crb@loc.gov](mailto:crb@loc.gov).

**ADDRESSES:** The final distribution order is also published on the agency's Web site at [www.loc.gov/crb](http://www.loc.gov/crb).

#### SUPPLEMENTARY INFORMATION:

The purpose of this proceeding is to distribute to copyright owners and featured recording artists Digital Audio Recording Technologies (DART) royalties deposited with the Licensing Division of the Copyright Office during 2013 under the Audio Home Recording Act of 1992, Public Law 102-563, 106 Stat. 4237 (codified as amended at 17 U.S.C. 1000-1010).

Prior to the commencement of this proceeding, AARC submitted notice that it had reached a settlement with all but five claimants to the 2013 DART Sound Recordings Fund, Copyright Owners' and Featured Artists' subfunds, and requested a partial distribution of 98% of those funds. *See AARC Notice of*

*Settlement and Request for Partial Distribution . . .* (Aug. 19, 2014). In December 2014, the Copyright Royalty Judges (Judges) granted AARC's request for a partial distribution of 98% of the DART funds at issue in this proceeding. *See Order Granting AARC's Request for Partial Distribution . . .* (Dec. 19, 2014). The Copyright Royalty Judges (Judges) ordered the remaining 2% of the fund held pending settlement or adjudication of controversies raised by the non-settling claimants: David Powell, George Clinton, Eugene Curry, Kami Talpa, and Herman Kelly. All of the non-settling parties were appearing in this proceeding *pro se*. Their filings appeared to claim only from the Copyright Owners Subfund.

The Judges commenced the captioned royalty distribution proceeding by published notice in March 2015. *See* 80 FR 15632 (Mar. 24, 2015). The notice announced April 23, 2015, as the deadline for interested parties to file a Petition to Participate in this proceeding. The Judges received only one valid and timely Petition to Participate (PTP), that of the Alliance of Artists and Recording Companies, Inc. (AARC). The Judges did, however, receive actual notice, in the form of email, late-filed papers, and correspondence, from other parties<sup>2</sup> claiming an interest in the sound recording royalty funds held for copyright owners and featured artists.

In June 2015, AARC, on its own behalf and on behalf of Jeffrey E. Jacobson, Esq. (together, the Settling Parties), requested distribution of the retained 2% of funds in both Sound Recordings subfunds. Because the Judges were aware of the *pro se* claimants, they denied the AARC motion without prejudice and provided a second opportunity for parties in interest to file a PTP, together with an explanation for the failure to file in the first instance. The Judges set a second deadline for PTPs of September 15, 2015. Only Mr. Curry filed a timely PTP, on his own behalf and on behalf of TAJAI Music, Inc. (TAJAI). As Mr. Curry is not an attorney (and thus ineligible to represent a corporate entity in a proceeding, *see* 37 CFR 350.2, the Judges dismissed the portion of his PTP relating to TAJAI. *See Order Accepting Petition . . . and Setting Schedule . . .* (Jan. 7, 2016). Mr. Curry's PTP identified his claim as one to the Copyright Owners' subfund.

<sup>2</sup> *See, e.g.,* papers from George Clinton and Ronald Ford (September, November, and December 2014), Eugene Curry/TAJAI Music (various dates between September 2014 and January 2016), and Herman Kelly (between December 2014 and October 2015).

AARC subsequently requested distribution of the retained 2% of funds in the Sound Recordings Featured Artists' subfund. The Judges approved this request, finding no controversy relating to the Featured Artists' subfund. *See Order Granting AARC's Request for Final Distribution . . .* (Jan. 21, 2016). With regard to the Copyright Owners' subfund, the Judges ordered a paper proceeding under 17 U.S.C. 803(b)(5). *See Order Granting AARC's Request . . .* (Jan. 21, 2016). The "Settling Parties" filed their Written Direct Statement on February 8, 2016. Mr. Curry filed no Written Direct Statement.

On January 28, 2016, the Judges received a paper purporting to be a "Written Direct Statement and Petition to Participate in Respect, Answer to Court's Order Dated Jan 7, 2016" from Mr. Herman Kelly. On February 8, 2016 the Settling Parties moved to reject Mr. Kelly's filing. On March 3, 2016, the Settling Parties filed a Motion to Dismiss Eugene Curry/TAJAI Music, Inc.'s Claims to Any Portion of the 2013 Sound Recordings Funds.

Having considered all the filings relating to the 2013 Sound Recordings DART funds, the Judges find:

1. Mr. Kelly failed to file a Petition to Participate in this proceeding by the first or second deadline set by the Judges. Mr. Kelly also failed to offer any basis by which the Judges might consider excusable neglect for his failure to make a timely filing, as required by the Judges' procedural rules and orders. The Judges DISMISS Mr. Kelly's untimely and invalid PTP. Moreover, even if Mr. Kelly had timely filed his combined "Written Direct Statement and Petition to Participate," the Judges would have dismissed his PTP as deficient, because it failed to (1) state the basis for his claimed interest and (2) provide evidence of sales of any sound recording to which he holds rights. Mr. Kelly's Written Direct Statement also does not provide factual evidence; rather, it asks the Judges to "consider his settlement compromise request for a *[sic]* equal share of the 2% featured recording artist subfund, copyright owners subfund . . ." <sup>3</sup> Accordingly, Mr. Kelly's filing fails to establish a right to any of the funds remaining in the DART Sound Recordings royalty fund for 2013.

2. The Settling Claimants presented uncontroverted evidence that neither Mr. Curry nor TAJAI have a right to sound recording royalties for any year. *See* Michael L. Stern WDT at 3-5, Cynthia Oliver WDT at 1.<sup>4</sup> The sound recording rights to the music claimed by Mr. Curry are owned by Universal Music Group.<sup>5</sup> There are no reports of sales

<sup>3</sup> As noted, the Judges ordered final distribution of the Featured Artists subfund in January 2016.

<sup>4</sup> The Settling Parties submitted the witnesses' written direct testimony and supporting exhibits in their timely filed Written Direct Statement.

<sup>5</sup> The Judges make no finding with respect to whether Mr. Curry or TAJAI Music, Inc. has any

<sup>1</sup> The short delay in publication of this determination was a result of a staff shortage.