

2016 FEDERAL REGISTER—Continued

Name	Position title
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U.S. Marshals Service—USMS

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SGROI, THOMAS J	ASSISTANT DIRECTOR, MANAGEMENT SUPPORT.
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MATHIAS, KARL	ASSISTANT DIRECTOR FOR INFORMATION TECHNOLOGY.
BOLEN, JOHN O'DONALD	ASSISTANT DIRECTOR, JUDICIAL SECURITY.
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MUSEL, DAVID F	ASSOCIATE DIRECTOR, ADMINISTRATION.
SNELSON, WILLIAM D	ASSOCIATE DIRECTOR, OPERATIONS.
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DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under The Clean Water Act

On September 27, 2016, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Southern District of Texas in the lawsuit entitled *United States v. Kirby Inland Marine, L.P.*, Civil Action No. 3:16-cv-269.

The Complaint in this Clean Water Act case was filed against Kirby Inland Marine concurrently with the lodging of the proposed Consent Decree. The Complaint alleges that Kirby is civilly liable for violation of Section 311 of the Clean Water Act ("CWA"), 33 U.S.C. 1321. The Complaint seeks civil penalties and injunctive relief for the discharge of harmful quantities of marine fuel oil into navigable waters of

the United States from one of Kirby's oil barges operating in the Houston Ship Channel.

The Complaint alleges that the spill occurred on March 22, 2014, when a Kirby tow boat, the *Miss Susan*, was pushing two 300-foot oil barges in the "Texas City Y" area of the Houston Ship Channel in fog conditions. Despite detecting the nearby presence of a 585-foot bulk cargo ship, the *Summer Wind*, traveling up the Houston Ship Channel, Kirby's tow boat and barges tried to cross the Channel in front of the cargo ship. As a result, Kirby's lead oil barge was struck by the cargo ship and approximately 4,000 barrels of heavy marine fuel oil spilled out of the barge into the waterway. From there, oil flowed out of the channel and spread down the Texas coastline. A full assessment of the injuries caused by the spill to marine and terrestrial natural resources is ongoing and will be addressed separately.

Under the proposed Consent Decree, Kirby will pay a civil penalty of

\$4,900,000.00 for the alleged violation. In addition to payment of the penalty, the Consent Decree requires Kirby to perform corrective measures across its entire fleet of vessels, including providing new and enhanced navigational equipment and training and implementing improved operational practices. Kirby also agrees to waive any limits on its liability under the Oil Pollution Act related to the oil spill incident at issue in this case.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Kirby Inland Marine, L.P.*, D.J. Ref. No. 90-5-1-1-11096. 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 proposed Consent Decree 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 proposed 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 \$6.25 (25 cents per page reproduction cost) payable to the United States Treasury.

Thomas P. Carroll,

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

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DEPARTMENT OF LABOR

Office of the Secretary of Labor

Notice of Final Determination Regarding the Proposed Revision of the List of Products Requiring Federal Contractor Certification as to Forced or Indentured Child Labor Pursuant to Executive Order 13126

AGENCY: Bureau of International Labor Affairs

ACTION: Notice of final determination.

SUMMARY: This notice announces a final determination that carpets from India will not be added to the List of Products Requiring Federal Contractor Certification as to Forced or Indentured Child Labor (EO List) required by Executive Order No. 13126 (“Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor”). The Departments of Labor, State, and Homeland Security (collectively, the Departments) proposed adding carpets from India to the EO List in a Notice of Initial Determination in the **Federal Register** on December 2, 2014. 79 FR 71448. After a thorough review of the information available and comments received, the Departments have determined that there is not sufficient evidence at this time

establishing more than isolated incidents of forced or indentured child labor in the production of carpets in India. With this final determination, the current EO List remains in place. The list identifies products, by country of origin, which the Departments have a reasonable basis to believe might have been mined, produced, or manufactured by forced or indentured child labor. Under a final rule by the Federal Acquisition Regulatory Council, published January 18, 2001, which also implements Executive Order No. 13126, federal contractors who supply products on the EO List are required to certify, among other things, that they have made a good faith effort to determine whether forced or indentured child labor was used to produce those products and that, on the basis of those efforts, the contractor is unaware of any such use of child labor. *See* 66 FR 5346, 5347; 48 CFR 22.1502(c).

SUPPLEMENTARY INFORMATION:

I. Initial Determination

On December 2, 2014, the Departments published a Notice of Initial Determination in the **Federal Register** proposing to add carpets from India to the List of Products Requiring Federal Contractor Certification as to Forced or Indentured Child Labor (EO List). 79 FR 71448. The Departments issued the initial determination because they had a reasonable basis to believe that there was forced or indentured child labor in the production of carpets from India in more than isolated incidents. This initial determination can be accessed on the Internet at <https://federalregister.gov/a/2014-27624>.

II. Public Comment Period

When the initial determination was issued, the public was invited to submit comments until January 30, 2015 on whether carpets from India should be added to the EO List, as well as any other issues related to the fair and effective implementation of Executive Order No. 13126. During the public comment period, three comments were submitted. Those comments are available for public viewing at <http://www.regulations.gov> (reference Docket ID No. DOL–2014–0004).

During this comment period, the comments received called into question whether all the criteria required for adding a good to the EO List had been met. One of the three comments was from the Carpet Export Promotion Council (CEPC), which opposed the addition of carpets from India to the EO List. The CEPC’s submission included a survey it had commissioned in 2104 on labor practices in the Indian carpet

industry. Based on the findings of the survey, the CEPC stated that while there are cases of child labor, there is no evidence of forced child labor in the production or manufacture of this good. However, the CEPC survey methodology had sampling and questionnaire design limitations that affected its ability to capture forced labor or collect data on a representative sample of the carpet industry.

The two other comments received did not provide enough specificity on the conditions or prevalence of children’s work in order to be able to make a final determination that forced or indentured child labor in India’s carpet industry is occurring in more than isolated incidents. GoodWeave submitted a comment in support of including carpets produced in India on the EO List, along with two newspaper articles reporting two rescue operations during which children were removed from carpet production facilities where they were forced to work. However, GoodWeave’s submission did not discuss the prevalence of forced child labor in carpet production; rather, it only discussed the prevalence of child labor within the industry. While the newspaper articles do discuss forced child labor, they do not demonstrate that forced child labor is prevalent in the industry.

Siddharth Kara, a Harvard University researcher and faculty member, also submitted a public comment in support of adding Indian carpets to the EO List. Kara cited the findings of his research study, which was one of the sources cited by the Departments in making their initial determination. Even though Kara’s submission stated that his research found a significant prevalence of forced labor and child labor in India’s carpet industry, neither the comment nor the study itself specifically addresses the prevalence of forced child labor in the industry. While Kara clarified in a separate correspondence that all children categorized as engaged in child labor were in fact engaged in forced labor as defined by international standards, the Departments were not able to determine whether child labor victims discussed in Kara’s research study were exposed to specific indicators of forced labor, as defined by international standards.

III. Gathering, Receipt, and Analysis of Additional Information

In light of the inconsistency in the information received during the initial public comment period, the Departments gathered and received twenty additional comments on forced child labor in India’s carpet industry.