

<i>To submit comments:</i>	<i>Send them to:</i>
By mail .....	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the 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 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 \$8.00 (25 cents per page reproduction cost) payable to the United States Treasury.

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

[FR Doc. 2016–24020 Filed 10–4–16; 8:45 am]

**BILLING CODE 4410–15–P**

**DEPARTMENT OF JUSTICE**

**Notice of Lodging of Proposed Consent Decree Under the Clean Air Act**

On September 29, 2016, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Western District of Pennsylvania, Erie Docket, in the lawsuit entitled *United States v. Erie Coke Corporation*, Case No. 1:16–cv–238.

The Consent Decree resolves the claims of the United States set forth in the complaint against Erie Coke Corporation for injunctive relief and civil penalties in connection with the company’s coke by-product recovery plant located in Erie, Pennsylvania, pursuant to Section 113 of the Clean Air Act (“CAA”), 42 U.S.C. 7413. Under the proposed Consent Decree, Erie Coke would perform injunctive relief to inventory, monitor, and control benzene emissions. It will also pay a civil penalty of \$500,000.

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 v. Erie Coke Corporation*, D.J. Ref. No. 90–5–2–1–09614/1. 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-</i> <i>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 Consent Decree may be examined and downloaded at this Justice Department Web site: [https://www.usdoj.gov/enrd/Consent\\_Decrees.html](https://www.usdoj.gov/enrd/Consent_Decrees.html). 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 \$17.25 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy without the appendices and signature pages, the cost is \$15.75.

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

[FR Doc. 2016–24111 Filed 10–4–16; 8:45 am]

**BILLING CODE 4410–15–P**

**DEPARTMENT OF JUSTICE**

**Notice of Lodging Proposed Consent Decree**

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States v. FKT Resort Management LLC, et al.*, No. 2:16–cv–00496–JAW, was lodged with the United States District Court for the District of Maine on September 28, 2016.

The proposed Consent Decree concerns a complaint filed by the United States against Defendants FKT Resort Management LLC, FKT Bayley Family Limited Partnership, Fred W. Bayley, Kathleen M. Bayley, Thomas R. Bayley, Bayley Hill Deer & Trout Farm, Inc., and Bayley’s Campground, Inc., pursuant to 33 U.S.C. 1311, 1319, 1344, to obtain injunctive relief from and impose civil penalties against the Defendants for violating the Clean Water Act by discharging pollutants without a permit into waters of the United States. The proposed Consent Decree resolves

these allegations against Defendants FKT Resort Management LLC, FKT Bayley Family Limited Partnership, Fred W. Bayley, Kathleen M. Bayley, Thomas R. Bayley, Bayley Hill Deer & Trout Farm, Inc., and Bayley’s Campground, Inc. by requiring those Defendants to restore the impacted areas, perform mitigation, and to pay a civil penalty.

The Department of Justice will accept written comments relating to the proposed Consent Decree for thirty (30) days from the date of publication of this Notice. Please address comments to Amy J. Dona, Trial Attorney for the United States Department of Justice, Environment and Natural Resources Division, Environmental Defense Section, Post Office Box 7611, Washington, DC 20044, and refer to *United States v. FKT Resort Management LLC, et al.*, DJ #90–5–1–1–19988.

The proposed Consent Decree may be examined at the Clerk’s Office, United States District Court for the District of Maine, 156 Federal Street, Portland, ME 04101. In addition, the proposed Consent Decree may be examined electronically at <http://www.justice.gov/enrd/consent-decrees>.

**Cherie L. Rogers,**  
*Assistant Section Chief, Environmental Defense Section, Environment and Natural Resources Division.*

[FR Doc. 2016–24021 Filed 10–4–16; 8:45 am]

**BILLING CODE 4410–15–P**

**DEPARTMENT OF JUSTICE**

[OMB Number 1110–NEW]

**Agency Information Collection Activities; Proposed eCollection eComments Requested; A Newly Approved Data Collection, National Use-of-Force Data Collection**

**AGENCY:** Federal Bureau of Investigation, Department of Justice.  
**ACTION:** 60-day notice.

**SUMMARY:** The Department of Justice (DOJ), Federal Bureau of Investigation (FBI) Criminal Justice Information Services (CJIS) Division, will be submitting the following information collection request to the Office of Management and Budget) for review and approval in accordance with the Paperwork Reduction Act of 1995.

**DATES:** Comments are encouraged and will be accepted for 60 days until December 5, 2016.

**FOR FURTHER INFORMATION CONTACT:** To ensure that comments on the information collection are received,

OMB recommends that written comments be emailed to [useofforcepublicnotice@ic.fbi.gov](mailto:useofforcepublicnotice@ic.fbi.gov).

If you have additional comments especially on the estimated public burden or associated response time, suggestions, or copy of the proposed information collection instrument with instructions or additional information, please contact Ms. Amy Blasher, Unit Chief, FBI CJIS Division, Module D-3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306.

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the FBI, 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.
- Evaluate whether and, if so, how the quality, utility, and clarity of the information to be collected can be enhanced.
- 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 information technology, e.g., permitting electronic submission of responses.

#### Overview of This Information Collection

(1) *Type of Information Collection:* A newly approved data collection.

(2) *The Title of the Form/Collection:* National Use-of-Force Data Collection.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is unnumbered. The applicable component within the DOJ is the FBI CJIS Division.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The FBI has a long-standing tradition of providing crime statistics collected from local, state, tribal, and federal law enforcement agencies on Law Enforcement Officers Killed and Assaulted (LEOKA) and justifiable homicides which enable transparency and accountability. To provide a better understanding of the incidents of use of force by law enforcement, the Uniform

Crime Reporting (UCR) Program is proposing a new data collection for law enforcement agencies to provide information on incidents where use of force by a law enforcement officer (as defined by the LEOKA Program) has led to the death or serious bodily injury of a person, as well as when a law enforcement officer discharges a firearm at or in the direction of a person.

The current LEOKA definition of a law enforcement officer is: "All local, county, state, and federal law enforcement officers (such as municipal, county police officers, constables, state police, highway patrol, sheriffs, their deputies, federal law enforcement officers, marshals, special agents, etc.) who are sworn by their respective government authorities to uphold the law and to safeguard the rights, lives, and property of American citizens. They must have full arrest powers and be members of a public governmental law enforcement agency, paid from government funds set aside specifically for payment to sworn police law enforcement organized for the purposes of keeping order and for preventing and detecting crimes, and apprehending those responsible."

The definition of "serious bodily injury" will be based, in part, on 18 United States Code (U.S.C.), Section 2246(4), to mean "bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty." These actions include the use of a firearm; an electronic control weapon (e.g., Taser); an explosive device; pepper or OC (oleoresin capsicum) spray or other chemical agent; a baton; an impact projectile; a blunt instrument; hands-fists-feet; or canine.

Local, state, tribal and federal law enforcement agencies will provide information on characteristics of the incident, subjects of the use of force, and the officers that applied force in the incident. Agencies will also be asked to positively affirm, on a monthly basis, whether they did or did not have any use of force that resulted in a fatality, a serious bodily injury to a person, or firearm discharges at or in the direction of a person. Enrollment information from agencies and state points of contact will be collected at the initiation of the collection and updated no less than annually to assist with the managing of this data. The process for developing a robust national collection on use of force involves a multistage, collaborative approach. With this request, the FBI proposes a pilot study.

The pilot study will be conducted in two phases, each with its own focus. The pilot study design will be informed by pretesting activities conducted under the FBI's generic clearance [OMB 1110-0057] as discussed briefly here. Both pretesting and pilot efforts will rely upon effective collaboration between the FBI and the Bureau of Justice Statistics (BJS) to achieve and maintain a high level of data quality in an efficient manner.

#### Pretesting

Pretesting activities will be conducted prior to the initiation of a pilot study and will allow for finalization of the data collection instructions and associated instructions before the pilot data collection. These activities will provide the preliminary information needed to both construct the sample of targeted agencies for the pilot study and identify early problem areas that can be resolved prior to formal testing. The pretesting consists of three parts: Cognitive testing of survey items (including those relating to the time of the incident and measures of serious bodily harm), testing of questionnaire design (to better assess respondent burden and functionality), and a canvass of state UCR program managers (to assist with developing the sample frame for the proposed pilot). Cognitive testing will be conducted in a manner to capture differences in measurement by region and law enforcement agency type, should they exist. Testing of questionnaire design will include follow-up with respondents to assess any difficulty with definitions or administration. Canvassing state UCR programs will indicate the means by which use-of-force statistics are reported—either through the UCR Program itself or directly from state and local law enforcement agencies.

#### Pilot

The purpose of the pilot study is to evaluate the quality of information collected through the use-of-force data collection tool against information collected through coding of state law enforcement records. Instructions and manuals, as well as training modules and curricula, all serve to help guide individuals at law enforcement agencies to translate their local records into a uniform manner when reporting. However, it may be difficult to communicate coding schemes based upon a common set of definitions. Therefore, after providing basic instructions to respondents, the pilot study will evaluate the accuracy of codes assigned by respondents to identify concepts with less consensus

across locations and types of law enforcement agencies and thereby improve coding instructions. Potential sources of nonresponse and incomplete information will also be evaluated. Both phases of the pilot will include a set of target agencies and states that will allow for sufficient data to evaluate intercoder reliability in the application of definitions and guidance. The phases of the pilot differ by the mode of submission for incident data, the addition of site visits, and the number of sites recruited.

*Phase 1*

The first phase of the pilot will provide a prospective comparison of reported incidents in the use-of-force data collection through the use-of-force data collection tool to the original records voluntarily provided by the reporting agency to the FBI. Those agencies that are recruited and agree to participate in the pilot study will understand that local records will be forwarded to the FBI upon submission of statistical information to the use of force data collection tool. The local case information will be redacted of any personally identifiable information prior to being forwarded to the FBI, and all local records will be destroyed upon completion of the pilot study.

The goal of this review is to ascertain whether the agencies are applying the definitions and using the provided instructions in a uniform manner. The records review and comparison will also identify problematic areas where instructions need more detail or more training should be provided to agencies. The data will also be used in the planning of the second phase of the pilot that will involve a site visit to a subset of agencies. Finally, the FBI will work with state UCR program managers in the pilot states to identify any

potential problems with local and state record-keeping that impedes the ability to provide the use-of-force information to the FBI.

*Phase II*

The second phase of the pilot will include the set of agencies recruited for the first phase, as well as two additional states recruited to provide their use-of-force data in a bulk data submission. These states will be nominated based upon the information gained from the canvass of state UCR program managers during pretesting. The FBI will also continue to accept agencies and states that voluntarily provide data to the data collection.

In addition to the records review and comparison begun during Phase 1, Phase II will include targeted, on-site visits with a subsample of pilot agencies. The subsample will be selected to include different geographic areas. The primary goal of the on-site visits is to ascertain the level and source of underreporting of within-scope incidents—especially those with serious bodily injury or firearm discharges. The on-site visits will also allow for an assessment of local record-keeping capabilities and changes to the data collection process.

At the conclusion of Phase II, the FBI will release a report detailing the results of its data collection, analysis, and recommendations to inform the design of a main study.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 701,486 law enforcement officers will participate in the National Use-of-Force Data Collection. The estimated burden hours per incident is 0.63 for completion.

(6) *An estimate of the total public burden (in hours) associated with the*

*collection:* Two separate burden estimates are provided for the proposed collection—one for the pilot study and a second for the annual collection to include all law enforcement agencies. Burden estimates were based on sources from the FBI UCR Program, the BJS, and the Centers for Disease Control (CDC). The BJS has recently estimated that approximately 1,400 fatalities attributed to a law enforcement use of force occur annually (Planty, et al., 2015, *Arrest-Related Deaths Program: Data Quality Profile*, <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=5260>). In addition, the CDC estimates the incidences of fatal and nonfatal injury—including those due to legal intervention—from emergency department data. In their piece entitled, “The real risks during deadly police shootouts: Accuracy of the naïve shooter,” Lewinski, et al. (2015) estimates law enforcement officers miss their target approximately 50 percent of the time at the firing range and was used as a simple estimate for the number of firearm discharges at or in the direction of a person, but did not strike the individual. In addition, the UCR Program collects counts of the number of law enforcement sworn and civilian employees in law enforcement agencies.

The table below uses a rate per officer to estimate the anticipated number of reports that could be received within the two pilot phases and an annual collection. Because the nonfatal injury due to legal intervention estimate from the CDC does not provide any overt measure of severity, these injuries are estimated to be as high as 82,283 or as low as 5,546. Based upon these estimates, the FBI is requesting 52,416 burden hours for an annual collection of this data.

**ESTIMATED BURDEN FOR PILOT STUDY**

Timeframe	Reporting group	Approximate number of officers	Rate per officer		Estimated number of incidents		Estimated burden hours		
			Maximum	Minimum	Maximum	Minimum	Estimated burden hours per incident	Maximum	Minimum
Pilot I (3 months)	Large agencies	178,557	0.122	0.012	5,294	554	0.63	3,336	349
	Pilot I States	54,781	0.122	0.012	6,497	679	0.63	4,093	428
Pilot II (3 months)	Large agencies	178,557	0.122	0.012	5,294	554	0.63	3,336	349
	Pilot I & II States	82,172	0.122	0.012	9,746	1,019	0.63	6,140	642
Pilot Total (6 months)					26,831	2,806	0.63	16,905	1,768

**Estimated Burden for All Law Enforcement Agencies in Annual Collection**

Collection (Annual)	All agencies	701,486	0.122	0.012	83,200	8,700	0.63	52,416	5,481
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If additional information is required contact: Ms. Amy Blasher, Unit Chief, United States DOJ, FBI CJIS Division, Crime Data Modernization Team, Module D-3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306.

Dated: October 3, 2016.

**Jerri Murray,**

*Department Clearance Office for PRA, U.S. Department of Justice.*

[FR Doc. 2016-24173 Filed 10-4-16; 8:45 am]

**BILLING CODE 4410-02-P**

## DEPARTMENT OF LABOR

### Employee Benefits Security Administration

#### 184th Meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, the 184th open meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans (also known as the ERISA Advisory Council) will be held on November 9-10, 2016.

The meeting will take place in C5521 Room 4, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210 on November 9, from 1 p.m. to approximately 5:00 p.m. On November 10, the meeting will start at 9:00 a.m. and conclude at approximately 4:00 p.m., with a break for lunch. The morning session on November 10 will be in C5521 Room 4. The afternoon session on November 10 will take place in Room S-2508 at the same address. The purpose of the open meeting on November 9 and the morning of November 10 is for the Advisory Council members to finalize the recommendations they will present to the Secretary. At the November 10 afternoon session, the Council members will receive an update from the Assistant Secretary of Labor for the Employee Benefits Security Administration (EBSA) and present their recommendations.

The Council recommendations will be on the following issues: (1) Participant Plan Transfers and Account Consolidation for the Advancement of Lifetime Plan Participation and (2) Cybersecurity Considerations for Benefit Plans. Descriptions of these topics are available on the Advisory Council page of the EBSA Web site at [www.dol.gov/agencies/ebsa/about-ebsa/about-us/agencies-ebsa/about-ebsa/about-us/agencies-ebsa](http://www.dol.gov/agencies/ebsa/about-ebsa/about-us/agencies-ebsa/about-ebsa/about-us/agencies-ebsa).

Organizations or members of the public wishing to submit a written statement may do so by submitting 30

copies on or before November 1, 2016 to Larry Good, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Suite N-5623, 200 Constitution Avenue NW., Washington, DC 20210. Statements also may be submitted as email attachments in rich text, Word, or pdf format transmitted to [good.larry@dol.gov](mailto:good.larry@dol.gov). It is requested that statements not be included in the body of an email. Statements deemed relevant by the Advisory Council and received on or before November 1 will be included in the record of the meeting and will be available by contacting the EBSA Public Disclosure Room. Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed.

Individuals or representatives of organizations wishing to address the Advisory Council should forward their requests to the Executive Secretary or telephone (202) 693-8668. Oral presentations will be limited to ten minutes, time permitting, but an extended statement may be submitted for the record. Individuals with disabilities who need special accommodations should contact the Executive Secretary by November 1, 2016 at the address indicated.

Signed at Washington, DC.

Dated: September 28, 2016.

**Judith Mares,**

*Deputy Assistant Secretary, Employee Benefits Security Administration.*

[FR Doc. 2016-24102 Filed 10-4-16; 8:45 am]

**BILLING CODE 4510-29-P**

## DEPARTMENT OF LABOR

### Office of Workers' Compensation Programs

#### Proposed Extension of Existing Collection; Comment Request

**AGENCY:** Division of Federal Employees' Compensation, Office of Workers' Compensation Programs.

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance 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 of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This 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. Currently, the Office of Workers' Compensation Programs is soliciting comments concerning the proposed collection: Notice of Law Enforcement Officer's Injury or Occupational Disease (CA-721) and Notice of Law Enforcement Officer's Death (CA-722). A copy of the proposed information collection request can be obtained by contacting the office listed below in the **ADDRESSES** section of this Notice.

**DATES:** Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before December 5, 2016.

**ADDRESSES:** Ms. Yoon Ferguson, U.S. Department of Labor, 200 Constitution Ave. NW., Room S-3323, Washington, DC 20210, telephone/fax (202) 354-9647, Email [Ferguson.Yoon@dol.gov](mailto:Ferguson.Yoon@dol.gov). Please use only one method of transmission for comments (mail, fax, or Email).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Federal Employees' Compensation Act (FECA) provides, under 5 U.S.C. 8191, *et seq.* and 20 CFR 10.735, that non-Federal law enforcement officers injured or killed under certain circumstances are entitled to the benefits of the Act, to the same extent as if they were employees of the Federal Government. The CA-721 and CA-722 are used by non-Federal law enforcement officers and their survivors to claim compensation under the FECA. Form CA-721 is used for claims for injury. Form CA-722 is used for claims for death. This information collection is currently approved for use through December 31, 2016.

##### II. Review Focus

The Department of Labor is particularly interested in comments which:

- \* 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