

Supp. 2d at 11.¹³ A court can make its public interest determination based on the competitive impact statement and response to public comments alone. *US Airways*, 38 F. Supp. 3d at 76.

VIII. DETERMINATIVE DOCUMENTS

There are no determinative materials or documents within the meaning of the APPA that were considered by the United States in formulating the proposed Final Judgment.

Dated: April 3, 2018

Respectfully submitted,

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DEPARTMENT OF JUSTICE

[OMB Number 1105-NEW]

Civil Division; Agency Information Collection Activities; Proposed eCollection eComments Requested; New

AGENCY: Civil Division, Department of Justice.

ACTION: 60 Day notice.

SUMMARY: The Department of Justice, Civil Division, intends to request approval from the Office of Management and Budget (OMB) for a generic information collection clearance that will allow Civil to conduct a variety of surveys, focus groups, listening sessions

¹³ See *United States v. Enova Corp.*, 107 F. Supp. 2d 10, 17 (D.D.C. 2000) (noting that the "Tunney Act expressly allows the court to make its public interest determination on the basis of the competitive impact statement and response to comments alone"); *United States v. Mid-Am. Dairymen, Inc.*, No. 73-CV-681-W-1, 1977-1 Trade Cas. (CCH) ¶ 61,508, at 71,980, *22 (W.D.Mo. 1977) ("Absent a showing of corrupt failure of the government to discharge its duty, the Court, in making its public interest finding, should . . . carefully consider the explanations of the government in the competitive impact statement and its responses to comments in order to determine whether those explanations are reasonable under the circumstances."); S. Rep. No. 93-298, at 6 (1973) ("Where the public interest can be meaningfully evaluated simply on the basis of briefs and oral arguments, that is the approach that should be utilized.").

and website content testing. Civil will submit request for review and approval to the Office of Management and Budget (OMB), in accordance with the Paperwork Reduction Act of 1995.

Over the next three (3) years, Civil anticipates undertaking a variety of new surveys and data collections as well as reassessing ongoing elder justice website projects that address elder abuse and elder justice issues. This work will entail development of new survey instruments, redesigning and/or modifying existing surveys and creating or modifying established surveys. In order to inform Civil data collection protocols, to develop accurate estimates of respondent burden and to minimize respondent burden associated with each new or modified data collection, Civil will engage in pilot and field test activities to refine instrumentation and data collection methodologies. Civil envisions using a variety of techniques, including, but not limited to, tests of different types of survey and data collection operations, focus groups, pilot testing, exploratory interviews, questionnaires, usability testing and electronic data collection instruments.

Following standard Office of Management and Budget (OMB) Requirements, Civil will submit a change request to OMB individually for every group of data collection activities undertaken under this generic clearance. Civil will provide OMB with a copy of the individual instruments or questionnaires (if one is used), as well as other materials describing the project.

DATES: The Department of Justice encourages public comment and will accept input until June 15, 2018.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Julie Childs, 950 Pennsylvania Ave. NW, Washington, DC 20005, Attn: Civil Communications Office (Attn: Elder Justice Initiative) (Phone: 202-307-0240).

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 Civil Division, 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; 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 information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* New Generic.

2. *The Title of the Form/Collection:* Data Collection Survey to gain a better understanding of the prevalence and impact of elder abuse and elder abuse prevention methods and tools.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Civil Division, United States Department of Justice

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Professionals working on elder abuse and elder justice issues.

Abstract: The US Department of Justice, Elder Justice Initiative will conduct surveys to gain a better understanding of the needs of older Americans who may be at risk of, or the victims of, elder abuse and the needs of elder justice professionals to build their capacity to better serve and protect older adults from elder abuse.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that no more than 5000 respondents will apply. Each application takes approximately less than 30 minutes to complete and is submitted once per year (annually).

6. *An estimate of the total public burden (in hours) associated with the collection:* The total hour burden to complete the applications is 6,000 hours.

Category of respondent	Number of respondents	Participation time	Burden
Elder Justice Professionals	5000	30 minutes	2500 hours
State Local and Tribal government agencies	5000	30 minutes	2500 hours
Focus Groups	1000	1 hour	1000
Totals	6,000

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: April 11, 2018.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

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NO_x emission reduction over the life of the Consent Decree.

The publication of this notice opens a period for public comment on the Second Amendment. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States et al. v. Cemex Inc., et al.*, D.J. Ref. No. 90-5-2-1-09716. 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:

To submit comments:	Send them to:
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.

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Second Amendment of Consent Decree Under The Clean Air Act

On April 10, 2018, the Department of Justice lodged a proposed Second Amendment of Consent Decree (“Second Amendment”) with the United States District Court for the Eastern District of Tennessee in the lawsuit entitled *United States et al. v. Cemex Inc., et al.*, Civil Action No. 3:16-cv-471.

This case involves claims for alleged violations of the Prevention of Significant Deterioration program of the Clean Air Act (“CAA”), CAA’s Title V operating permit requirements, and related state law requirements at several Portland cement facilities. The original Consent Decree resolving the dispute included injunctive relief for installation of control technology to reduce emissions of nitrogen oxides (NO_x), civil penalties, and mitigation of past excess NO_x emissions. The proposed Second Amendment relates solely to requirements in the original Consent Decree applicable to two kilns at the Odessa, Texas facility. The amendment is necessitated by the technical impracticability of achieving the specified interim emission limit for NO_x on Kiln 1. The proposed Second Amendment resolves this development by increasing the interim limit on Kiln 1 while accelerating the deadline for installing NO_x control technology and achieving a NO_x emission limit on Kiln 2. The amendment will result in a net

During the public comment period, the Second Amendment 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 Second Amendment 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 \$2.25 (25 cents per page reproduction cost) payable to the United States Treasury.

Henry Friedman,

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

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DEPARTMENT OF JUSTICE

[OMB Number XXXX—New]

Office of Justice Programs, SMART Office; Agency Information Collection Activities; Proposed eCollection eComments Requested; New Collection

AGENCY: SMART Office, Office of Justice Programs, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice, Office of Justice Programs, SMART Office, is submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: The Department of Justice encourages public comment and will accept input until June 15, 2018.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Samantha Opong, Program Specialist, SMART Office, 810 7th Street NW, Washington, DC 20531, *Samantha.Opong@usdoj.gov*, (202) 514-9320. Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov*.

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 SMART Office, including whether the information will have practical utility;