Tunney Act, a court must be mindful that [t]he government need not prove that the settlements will perfectly remedy the alleged antitrust harms[;] it need only provide a factual basis for concluding that the settlements are reasonably adequate remedies for the alleged harms.'') (internal quotations omitted).

''[A] proposed decree must be approved even if it falls short of the remedy the court would impose on its own, as long as it falls within the range of acceptability or is 'within the reaches of public interest.' '' *United States* v. *Am. Tel. & Tel. Co.,* 552 F. Supp. 131, 151 (D.D.C. 1982); *Apple,* 889 F. Supp. 2d at 637 n.10; *see also United States* v. *U.S. Airways Grp., Inc.,* 38 F. Supp. 3d 69, 74 (D.D.C. 2014) (noting that room must be made for the government to grant concessions in the negotiation process for settlements) (citing *Microsoft,* 56 F.3d at 1461); *Morgan Stanley,* 881 F. Supp. 2d at 568 (approving the consent decree even though the court may have imposed a greater remedy). To meet this standard, ''it is necessary only that the submissions provide an ample 'factual foundation for the government's decisions such that its conclusions regarding the proposed settlement are reasonable.' '' *Apple,* 889 F. Supp. 2d at 639 (citing *Keyspan,* 763 F. Supp. 2d at 637–38).

Moreover, a court's role under the APPA is limited to reviewing the remedy in relationship to the violations that the United States has alleged in its Complaint and the APPA does not authorize a court to ''construct [its] own hypothetical case and then evaluate the decree against that case.'' *Microsoft,* 56 F.3d at 1459; *see also Morgan Stanley,* 881 F. Supp. 2d at 567 (''A court must limit its review to the issues in the complaint and give 'due respect to the [Government's] perception of . . . its case.' '') (citing *Microsoft,* 56 F.3d at 1461); *United States* v. *InBev N.V./S.A.,* No. 08–1965, 2009 U.S. Dist. LEXIS 84787, at *20 (D.D.C. Aug. 11, 2009) (''[T]he 'public interest' is not to be measured by comparing the violations alleged in the complaint against those the court believes could have, or even should have, been alleged.''). Because the ''court's authority to review the decree depends entirely on the government's exercising its prosecutorial discretion by bringing a case in the first place,'' it follows that ''the court is only authorized to review the decree itself,'' and not to ''effectively redraft the complaint'' to inquire into other matters that the United States did not pursue. *Microsoft,* 56 F.3d at 1459–60. Courts cannot look beyond the complaint in making the public interest determination unless the complaint underlying the decree is drafted so narrowly such that its entry would appear '' 'to make a mockery of judicial power.' '' *Apple,* 889 F. Supp. 2d at 631 (citing *United States* v. *SBC Commc'ns, Inc.,* 489 F. Supp. 2d 1, 14 (D.D.C. 2007)).

In its 2004 amendments to the APPA, Congress made clear its intent to preserve the practical benefits of utilizing consent decrees in antitrust enforcement, adding the unambiguous instruction that ''[n]othing in this section shall be construed to require the court to conduct an evidentiary hearing or to require the court to permit anyone to intervene.'' 15 U.S.C. 16(e)(2); *see also Apple,* 889 F. Supp. 2d at 633 (declining to hold evidentiary hearing and finding ''[a] hearing would serve only to delay the proceedings unnecessarily.''); *U.S. Airways,* 38 F. Supp. 3d at 75 (indicating that a court is not required to hold an evidentiary hearing or to permit intervenors as part of its review under the Tunney Act). The language wrote into the statute what Congress intended when it enacted the Tunney Act in 1974, as Senator Tunney explained: ''[t]he court is nowhere compelled to go to trial or to engage in extended proceedings which might have the effect of vitiating the benefits of prompt and less costly settlement through the consent decree process.'' 119 Cong. Rec. 24, 598 (1973) (statement of Sen. Tunney). Rather, the procedure for the public interest determination is left to the discretion of the court, with the recognition that the court's ''scope of review remains sharply proscribed by precedent and the nature of Tunney Act proceedings.'' *SBC Commc'ns,* 489 F. Supp. 2d at 11; *see also Apple,* 889 F. Supp. 2d at 632 (''[P]rosecutorial functions vested solely in the executive branch could be undermined by the improper use of the APPA as an antitrust oversight provision.'') (citation omitted). A court can make its public interest determination based on the competitive impact statement and response to public comments alone. *Apple,* 889 F. Supp. 2d at 633; *U.S. Airways,* 38 F. Supp. 3d at 75.

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: August 9, 2024

Respectfully submitted,

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BILLING CODE 4410–11–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Respiratory Protection Program at Coal Mines

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Mine Safety and Health Administration (MSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before September 16, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Michael Howell by telephone at 202–693–6782, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The purpose of this information collection is to collect four types of information from coal mine operators: revised standard operating procedures (SOPs), American Society for Testing and Materials (ASTM) recordkeeping, fit test records, and emergency respirator inspection records. The mine operator uses the information to properly issue respiratory protection to coal miners who need to use personal protective equipment where accepted engineering controls measures have not been developed or when necessary, by the nature of work involved (for example, while establishing controls or occasional entry into hazardous

atmospheres to perform maintenance or investigation). Fit-testing records are used to ensure that a respirator worn by an individual is the same brand, model, and size respirator that was worn when that individual successfully passed a fit-test. Records of emergency respirator inspection are used to ensure that respirators are in proper working order when needed.

MSHA uses the information to determine compliance with the standard specified in 30 CFR 72.710. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on May 1, 2024 (89 FR 35250).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

Agency: DOL–MSHA.

Title of Collection: Respiratory Protection Program at Coal Mines.

OMB Control Number: 1219–0NEW.

Affected Public: Businesses or other for-profits.

Number of Respondents: 1,106.

Frequency: Annual.

Number of Responses: 19,908.

Annual Burden Hours: 11,060 hours.

Total Estimated Annual Other Costs Burden: $0.

(Authority: 44 U.S.C. 3507(a)(1)(D)).

Michael Howell,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2024–18182 Filed 8–14–24; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219–0096]

Proposed Extension of Information Collection; Underground Retorts

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor (DOL), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance request for comment to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information, in accordance with the Paperwork Reduction Act of 1995. This request 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 Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection entitled Underground Retorts.

DATES: All comments must be received on or before October 15, 2024.

ADDRESSES: Comments concerning the information collection requirements of this notice may be sent by any of the methods listed below. Please note that late comments received after the deadline will not be considered.

- *Federal E-Rulemaking Portal: https://www.regulations.gov.* Follow the on-line instructions for submitting comments for docket number MSHA–2024–0013.
- *Mail/Hand Delivery:* DOL–MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, 4th Floor West, Arlington, VA 22202–5452. Before visiting MSHA in person, call 202–693–9455 to make an appointment, in keeping with the Department of Labor's COVID–19 policy. Special health precautions may be required.
- MSHA will post all comments as well as any attachments, except for information submitted and marked as confidential, in the docket at *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: S. Aromie Noe, Director, Office of Standards, Regulations, and Variances, MSHA, at *MSHA.information.collections@dol.gov* (email); (202) 693–9440 (voice); or (202) 693–9441 (facsimile). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION:

I. Background

Section 103(h) of the Federal Mine Safety and Health Act of 1977, as amended (Mine Act), 30 U.S.C. 813(h), authorizes the Mine Safety and Health Administration (MSHA) to collect information necessary to carry out its duty in protecting the safety and health of miners. Further, section 101(a) of the Mine Act, 30 U.S.C. 811(a), authorizes the Secretary of Labor (Secretary) to develop, promulgate, and revise as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal, metal, and nonmetal mines.

In order to fulfill the statutory mandates to promote miners' health and safety, MSHA requires the collection of information entitled Underground Retorts. The information collection addressed by this notice is intended to ensure that combustible gases at underground oil shale mines are kept at acceptable levels and do not expose miners to explosive or other hazardous conditions.

Title 30 CFR 57.22401 sets forth safety requirements for using a retort to extract oil from shale in underground metal and nonmetal I–A and I–B mines (mines that operate in a combustible ore and either liberate methane or have the potential to liberate methane based on the history of the mine or the geological area in which the mine is located). Prior to ignition of underground retorts, mine operators must submit a written ignition operation plan to the MSHA District Manager for the area where the mine is located. The ignition operation plan must contain site-specific safeguards and safety procedures for the underground areas of the mine which are affected by the retorts. The required contents listed in 30 CFR 57.22401(b) include:

(1) Acceptable levels of combustible gases and oxygen in retort off-gases during start-up and during burning; levels at which corrective action will be initiated; levels at which personnel will be removed from the retort areas, from the mine, and from endangered surface areas; and the conditions for reentering the mine;

(2) Specifications and locations of off-gas monitoring procedures and equipment;

(3) Specifications for construction of retort bulkheads and seals, and their locations;

(4) Procedures for ignition of a retort and for reignition following a shutdown; and

(5) Details of area monitoring and alarm systems for hazardous gases and