

United States District Court for the District of Idaho in *United States of America et al. v. Hecla Limited*, Civil Action No. 96–0122–N–EJL (D. Idaho), and two consolidated cases (Civil Action Nos. 91–0342–N–EJL and 94–0206–N–HLR). The proposed Consent Decree settles claims of the United States, the Coeur d’Alene Tribe, and the State of Idaho against Hecla Limited, Hecla Mining Company, Hecla Silver Valley, Inc., HLT, Inc., and Silver Hunter Mining Company for response costs and natural resource damages stemming from certain releases of hazardous substances from historic mining and mining-related operations at the Bunker Hill Mining and Metallurgical Complex Superfund Site. The Site is generally located in the Coeur d’Alene Basin watershed in Idaho.

The lawsuit seeks damages for injuries to natural resources such as fish and birds caused by millions of tons of mining wastes that had been released into the South Fork of the Coeur d’Alene River and its tributaries. The United States Environmental Protection Agency has been performing cleanup work in the Coeur d’Alene Basin since the early 1980s, and the suit also seeks reimbursement of EPA’s cleanup costs.

Most of the defendants settled before trial. After a 78-day trial, the district court in Idaho ruled in 2003 that the remaining defendants, Hecla and ASARCO, had liability for natural resource damages and response costs and that the amount of their liability would be determined in a second phase of litigation. The litigation in the district court in Idaho was stayed in 2005 when ASARCO filed a petition for reorganization under Chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Southern District of Texas. ASARCO reached settlement with the United States in 2008, and paid the settlement amounts in full after the bankruptcy court in Texas approved ASARCO’s plan of reorganization. Accordingly, the federal district court in Idaho dismissed the claims against ASARCO on September 8, 2010. The court also postponed the second phase of the trial against Hecla to allow time to negotiate a settlement. Hecla is the only remaining defendant.

Among other things, the proposed consent decree will require Hecla to pay \$263.4 million plus interest to the United States, the Coeur d’Alene Tribe, and the State. Of that total, about \$180 million would go toward the United States’ past response costs and future response actions to address the mining waste being remediated by EPA; \$60 million would go toward natural

resources damages for joint federal/state/tribal resources, including the United States Department of the Interior and the United States Department of Agriculture; \$17 million would go toward satisfying Hecla’s remaining obligations under an earlier consent decree to fund response actions for part of the Site; \$4 million would go toward the Tribe’s past costs; and \$2 million would go toward a State/Tribe management plan for Lake Couer d’Alene.

Those payments are within Hecla’s financial means. A settlement based purely on litigation concerns would have been beyond Hecla’s ability to fund and remain financially viable. The settlement process involved an in-depth review by the United States’ mining and financial experts of Hecla’s finances, including proprietary and confidential internal financial information. That review determined that Hecla could not fully pay its alleged liability. The payments to be made by Hecla under the proposed Consent Decree therefore reflect Hecla’s ability to pay, given Hecla’s financial condition, the highly volatile nature of metal prices, and the fact that Hecla’s profitability is extremely sensitive to those metals’ prices.

The settlement also includes a process for coordinating Hecla’s future mining operations with EPA’s cleanup activities in the Coeur d’Alene Basin. These provisions are designed to avoid and minimize potential conflicts between cleanup activities and mining operations wherever possible. The proposed consent decree includes a covenant not to sue by the United States under Sections 106 and 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9606 & 9607(a); Section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. 6973; and Sections 309, 311 and 504 of the Clean Water Act, 33 U.S.C. 1319, 1321 & 1364.

For 30 days after the date of this publication, the Department of Justice will receive comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to [pubcommentees.enrd@usdoj.gov](mailto:pubcommentees.enrd@usdoj.gov) or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States v. Hecla Limited*, DJ Reference Nos. 90–11–3–128L. Commenters may request an opportunity for a public meeting in the affected area, in accordance with Section 7003(d) of RCRA, 42 U.S.C. 6973(d).

The proposed consent decree may be examined at the Office of the United States Attorney for the District of Idaho, Washington Group Plaza IV, 800 Park Blvd., Suite 600, Boise, ID 83712. During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site: <http://www.usdoj.gov/enrd/ConsentDecrees.html>. A copy of the proposed consent decree may be obtained by mailing a request to the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611. When requesting a copy by mail, please enclose a check payable to the U.S. Treasury in the amount of \$65.50 for the complete consent decree or \$16.50 for the consent decree without the appendices (25 cents per page reproduction cost). A copy may also be obtained by faxing or e-mailing a request to Tonia Fleetwood, [tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov), fax number (202) 514–0097, phone confirmation number (202) 514–1547, and sending a check to the Consent Decree Library at the stated address.

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

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

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**BILLING CODE 4410–15–P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Material Modification to Consent Decree Under the Clean Air Act

Pursuant to Department of Justice policy, notice is hereby given that, on June 14, 2011, a proposed Second Material Modification to Consent Decree (“Second Decree Modification”) in *United States, et al. v. Bunge North America, Inc., et al.*, Civil Action No. 2:06–cv–02209–MPM–DGB (C.D. Ill.) was lodged with the United States District Court for the Central District of Illinois. The original Consent Decree in this matter, entered on January 16, 2007, addressed alleged violations of the Clean Air Act, 42 U.S.C. 7401–7671q, and its implementing regulations at 12 soybean and corn processing facilities owned and operated by Bunge North America, Inc. and several affiliated entities (collectively referred to herein as “Bunge”). A First Decree Modification, entered on June 30, 2010, required Bunge to reduce air pollutant emissions at its Decatur, Indiana facility by installing new equipment to recover and re-use certain condensed waste water streams at the facility. The proposed Second Decree Modification

would require Bunge to perform two substitute projects at the Decatur facility—in lieu of the waste water recovery project—that are expected to yield greater air pollutant emission reductions: (1) A project to recover waste heat from boilers' continuous blowdown; and (2) an improved turbine flash steam heat recovery system.

The Department of Justice will receive comments relating to the Second Decree Modification for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and mailed either electronically to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or in hard copy to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611. Comments should refer to *United States, et al. v. Bunge North America, Inc., et al.*, Civil Action No. 2:06-cv-02209-MPM-DGB (C.D. Ill.) and D.J. Ref. No. 90-5-2-1-07950.

The Second Decree Modification may be examined at: (1) The offices of the United States Attorney, 201 South Vine, Suite 226, Urbana, Illinois; and (2) the offices of the U.S. Environmental Protection Agency, 77 West Jackson Boulevard, 14th Floor, Chicago, Illinois. During the public comment period, the Second Decree Modification may also be examined on the following Department of Justice Web site: [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the Second Decree Modification may also be obtained by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$3.25 (13 pages at 25 cents per page reproduction cost) payable to the U.S. Treasury.

**Maureen M. Katz,**

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

[FR Doc. 2011-15099 Filed 6-16-11; 8:45 am]

**BILLING CODE 4410-15-P**

## DEPARTMENT OF JUSTICE

### Parole Commission

#### Sunshine Act Meeting

**TIME AND DATE:** 10 a.m., Tuesday, June 21, 2011.

**PLACE:** U.S. Parole Commission, 90 K Street, NE., 3rd Floor, Washington, DC.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** Approval of February 10, 2011 meeting minutes; reports from the Chairman, the Commissioners, and senior staff; discussion of the draft plan for compliance with Executive Order 13563 and analysis of agency rules; discussion of proposed pilot program for sanctioning persons returned to custody for administrative violations; discussion and vote on a final rule on revising guidelines for rating crack cocaine offenses.

**CONTACT PERSON FOR MORE INFORMATION:** Patricia W. Moore, Staff Assistant to the Chairman, U.S. Parole Commission, 90 K Street, NE., 3rd Floor, Washington, DC 20530, (202) 346-7009.

Dated: June 10, 2011.

**Rockne Chickinell,**

*General Counsel, U.S. Parole Commission.*

[FR Doc. 2011-14928 Filed 6-16-11; 8:45 am]

**BILLING CODE 4410-31-M**

## DEPARTMENT OF JUSTICE

### Parole Commission

#### Sunshine Act Meeting

**TIME AND DATE:** 11 a.m., Tuesday, June 21, 2011.

**PLACE:** U.S. Parole Commission, 90 K Street, NE., 3rd Floor, Washington, DC.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Determinations on three petitions for reconsideration in original jurisdiction cases (28 CFR 2.27).

**CONTACT PERSON FOR MORE INFORMATION:** Patricia W. Moore, Staff Assistant to the Chairman, U.S. Parole Commission, 90 K Street, NE., 3rd Floor, Washington, DC 20530, (202) 346-7009.

Dated: June 9, 2011.

**Rockne Chickinell**

*General Counsel, U.S. Parole Commission.*

[FR Doc. 2011-14929 Filed 6-16-11; 8:45 am]

**BILLING CODE 4410-31-M**

## DEPARTMENT OF LABOR

### Office of the Secretary

#### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Application for Permanent Employment Certification

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (DOL) is submitting the Employment and Training Administration (ETA) sponsored information collection request (ICR) titled, "Application for Permanent Employment Certification," to the Office of Management and Budget (OMB) for review and approval for continued use in accordance with the Paperwork Reduction Act (PRA) of 1995 (Pub. L. 104-13, 44 U.S.C. chapter 35).

**DATES:** Submit comments on or before July 18, 2011.

**ADDRESSES:** A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site, <http://www.reginfo.gov/public/do/PRAMain>, on the day following publication of this notice or by sending an e-mail to [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

Submit comments about this request to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Department of Labor, Employment and Training Administration (ETA), Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202-395-6929/Fax: 202-395-6881 (these are not toll-free numbers), e-mail: [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov).

#### FOR FURTHER INFORMATION CONTACT:

Contact the DOL Information Management Team by e-mail at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**SUPPLEMENTARY INFORMATION:** The application form and other information requirements are necessary to the collection of information from U.S. employers wishing to sponsor foreign labor for permanent residency through the Labor Certification process. The information collected is used by the Secretary of Labor to make the necessary certification in compliance with the Immigration and Nationality Act as amended.

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 it is approved by the OMB under the PRA 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 if the collection of information does not display a valid OMB control number. See 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this