

By order of the Commission.

**James R. Holbein,**

*Acting Secretary to the Commission.*

[FR Doc. 2011-6505 Filed 3-18-11; 8:45 am]

BILLING CODE 7020-02-P

## DEPARTMENT OF JUSTICE

### Notice of Lodging of a Stipulated Order for Preliminary Relief Pursuant to the Clean Water Act

Notice is hereby given that a proposed Stipulated Order for Preliminary Relief was lodged on March 15, 2011, with the United States District Court for the Northern District of California in *United States of America et al. v. City of Alameda, et al.*, Civ. No. C 09-05684 RS.

The United States of America and the People of the State of California ex rel. California State Water Resources Control Board and California Regional Water Quality Control Board, San Francisco Bay Region (together "Water Boards"), and Plaintiff-Intervenor San Francisco Baykeeper ("Baykeeper"), brought claims under Sections 301 and 402 of the Clean Water Act, 33 U.S.C. 1251, *et seq.*, against seven municipal defendants, including the City of Alameda, the City of Albany, the City of Berkeley, the City of Emeryville, the City of Oakland, the City of Piedmont and the Stege Sanitary District (together "Satellite Communities").

The United States, the Water Boards and Baykeeper allege that the Satellite Communities are in violation of the Clean Water Act and their National Pollutant Discharge Elimination System ("NPDES") Permits because they have unlawful sanitary sewer overflows ("SSOs") during wet weather. They also allege that the Satellite Communities are in violation of the operation and maintenance provisions of their NPDES Permits because they contribute excessive flow to treatment systems owned and operated by the East Bay Municipal Utilities District ("EBMUD"), which causes EBMUD to violate the Clean Water Act and its own NPDES permit.

The proposed Stipulated Order for Preliminary Relief complements a January 2009 interim settlement with EBMUD. Among other things, the EBMUD settlement requires EBMUD to study flow from the Satellite Communities and make recommendations to EPA and the Water Boards as to how that flow can be reduced to prevent discharges from three wet weather facilities ("WWFs").

This Stipulated Order for Preliminary Relief represents an interim solution

that will move the parties toward a final resolution of the claims in the complaint. It will require the Satellite Communities to gather information that EBMUD will use to determine how to reduce flows to its system. It will also require the Satellite Communities to begin taking steps to reduce inflow and infiltration into their collection systems. This settlement, together with the earlier interim settlement with EBMUD, will provide EBMUD, EPA and the Water Boards with the information necessary to achieve a final settlement that will eliminate discharges from the WWFs.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Stipulated Order for Preliminary Relief. 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 et al. v. City of Alameda et al.*, DJ No. 90-5-1-1-09361/1.

The proposed Stipulated Order for Preliminary Relief may be examined at the Region 9 Office of the Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA, 94105. During the public comment period, the proposed Stipulated Order for Preliminary Relief 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 Stipulated Order for Preliminary Relief may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, 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 \$25.00 (25 cents per page reproduction cost) payable to the U.S. Treasury. The check should refer to *United States et al. v. City of Alameda, et al.*, DJ No. 90-5-1-1-09361/1.

**Henry Friedman,**

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

[FR Doc. 2011-6534 Filed 3-18-11; 8:45 am]

BILLING CODE 4410-15-P

## DEPARTMENT OF LABOR

### Office of the Secretary

#### Agency Information Collection Activities: Proposed Collection Extension; Comment Request; Equal Access to Justice Act

**ACTION:** Notice.

**SUMMARY:** The Department of Labor is soliciting comments concerning the proposed extension of the information collection request (ICR) for applicants to obtain awards in administrative proceedings subject to the Equal Access to Justice Act.

**DATES:** Written comments must be submitted by May 20, 2011.

**ADDRESSES:** Comments may be submitted by mail to the Department of Labor/Office of the Solicitor, Attn: Raymond E. Mitten, Jr., 200 Constitution Avenue, NW., Room N-2428, Washington, DC 20210. Comments also may be sent by e-mail to [DOL\\_PRA\\_Public@dol.gov](mailto:DOL_PRA_Public@dol.gov). Written comments limited to 10 pages or fewer may be transmitted by facsimile to (202) 693-5538.

**FOR FURTHER INFORMATION CONTACT:** Raymond E. Mitten, Jr., Counsel for Administrative Law, Division of Management and Administrative Legal Services, Office of the Solicitor, 200 Constitution Ave., NW., Washington, DC 20210, telephone (202) 693-5523. Copies of the referenced information collection request are available in room N-1301, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. A copy of the ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor. To obtain documentation, contact Michel Smyth at (202) 693-4129 or e-mail: [Smyth.Michel@dol.gov](mailto:Smyth.Michel@dol.gov).

#### SUPPLEMENTARY INFORMATION:

*I. Background:* The Equal Access to Justice Act provides for the award of fees and expenses to certain parties involved in administrative proceedings with the United States. The statute requires, at 5 U.S.C. 504(a)(2), that a party seeking an award of fees and other expenses in a covered administrative proceeding must submit to the agency "an application which shows that the party is the prevailing party and is eligible to receive an award" under the Act. The Department of Labor's regulations implementing the Equal Access to Justice Act contain a subpart which specifies the contents of applications for an award, 29 CFR part 16, subpart B.

*II. Desired Focus of Comments:* The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance 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. 3505(c)(2)(A)]. The 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 the collection requirements on respondents can be properly assessed. 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
- 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.

Comments submitted in response to this notice will be summarized and may be included in the request for OMB approval of the final information collection request. The comments will become a matter of public record.

*III. Current Action:* This notice requests an extension of the current Office of Management and Budget (OMB) approval of the paperwork requirements for the contents of applications for an award under the Equal Access to Justice Act.

*Type of Review:* Extension of a currently approved collection of information.

*Agency:* Department of Labor.

*Title:* Equal Access to Justice Act.

*OMB Control Number:* 1225-0013.

*Affected Public:* Individuals or household; Private section—businesses or other for-profits, not-for-profit institutions; State, Local, and Tribal Governments.

*Number of Respondents:* 10.

*Frequency:* On occasion.

*Total Responses:* 10.

*Average Time per Response:* 5 hours.

*Estimated Total Burden Hours:* 50 hours.

*Total Annualized Capital and Startup Costs:* \$0.

*Total Annualized Operation and Maintenance Costs:* \$0.

Dated: March 15, 2011.

**Michel Smyth,**

*Departmental Clearance Office.*

[FR Doc. 2011-6543 Filed 3-18-11; 8:45 am]

**BILLING CODE 4510-23-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Workforce Investment Act; Lower Living Standard Income Level

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Notice of determination of Lower Living Standard Income Level.

**SUMMARY:** Under Title I of the Workforce Investment Act (WIA) of 1998 (Pub. L. 105-220), the Secretary of Labor annually determines the Lower Living Standard Income level (LLSIL) for uses described in the law. WIA defines the term "Low Income Individual" as one who qualifies under various criteria, including an individual who received income for a six-month period that does not exceed the higher level of the poverty line or 70 percent of the LLSIL. This issuance provides the Secretary's annual LLSIL for 2011 and references the current 2011 Health and Human Services "Poverty Guidelines."

**DATES:** *Effective Date:* This notice is effective on the date of publication in the **Federal Register**.

**ADDRESSES:** Send questions about the Lower Living Standard Income Level calculations: Mr. Samuel Wright, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Room S-4231, Washington, DC 20210.

Send written youth program comments to: Mr. Evan Rosenberg, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Room N-4464, Washington, DC 20210.

*For Further Information on LLSIL:*

Please contact Mr. Samuel Wright, Telephone 202-693-2870; Fax 202-693-3015 (these are not toll free numbers); e-mail address [wright.samuel.e@dol.gov](mailto:wright.samuel.e@dol.gov).

*For Further Information on Federal Youth Programs:*

Evan Rosenberg, Telephone 202-693-3593; Fax 202-693-3532 (these are not toll free numbers).

**SUPPLEMENTARY INFORMATION:** It is the purpose of the Workforce Investment Act of 1998, to provide workforce investment activities through statewide and local workforce investment systems that increase the employment, retention, and earnings of participants. The Workforce Investment Act programs are intended to increase the occupational skill attainment by participants and the quality of the workforce thereby reducing welfare dependency, and enhance the productivity and competitiveness of the Nation.

The LLSIL is used for several purposes under WIA. Specifically, WIA Section 101(25) defines the term "low income individual" for eligibility purposes, and Sections 127(b)(2)(C) and 132(b)(1)(B)(v)(IV) define the terms "disadvantaged youth" and "disadvantaged adult" in terms of the poverty line or LLSIL for State formula allotments. The Governor and State/local workforce investment boards (WIBs) use the LLSIL for determining eligibility for youth and eligibility for adults for certain services. We encourage the Governors and State/local WIBs to consult WIA regulations and the preamble to the WIA Final Rule (published at 65 FR 49294 August 11, 2000) for more specific guidance in applying the LLSIL to program requirements. The Department of Health and Human Services (HHS) published the most current poverty-level guidelines in the **Federal Register** January 20, 2011 (Volume 76, Number 13) PP 3637-3638. The HHS 2011 Poverty guidelines may also be found on the Internet at: <http://aspe.hhs.gov/poverty/11poverty.shtml>. ETA plans to have the 2011 LLSIL available on its Web site at [<http://www.doleta.gov/llsil/2011/>].

WIA Section 101(24) defines the LLSIL as "that income level (adjusted for regional, metropolitan, urban and rural differences and family size) determined annually by the Secretary [of Labor] based on the most recent lower living family budget issued by the Secretary." The most recent lower living family budget was issued by the Secretary in the fall of 1981. The four-person urban family budget estimates, previously published by the Bureau of Labor Statistics (BLS), provided the basis for the Secretary to determine the LLSIL. BLS terminated the four-person family budget series in 1982, after publication of the fall 1981 estimates. Currently,