

By order of the Commission.

James R. Holbein,

Acting Secretary to the Commission.

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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 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. 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), 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.

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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. 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.

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.