

members of the public at each meeting and will be limited to 3–5 minutes.

(**Authority:** The Committee was established pursuant to the Department of the Interior's authority to implement the Water Supply, Reliability, and Environmental Improvement Act, Pub. L. 108–361; the Fish and Wildlife Coordination Act, 16 U.S.C. 661 *et seq.*; the Endangered Species Act, 16 U.S.C. 1531 *et seq.*; and the Reclamation Act of 1902, 43 U.S.C. 391 *et seq.*, and the acts amendatory thereof or supplementary thereto, all collectively referred to as the Federal Reclamation laws, and in particular, the Central Valley Project Improvement Act, 34 U.S.C. 3401)

Dated: April 26, 2006.

**Allan Oto,**

*Special Projects Officer, Mid-Pacific Region,  
U.S. Bureau of Reclamation.*

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**BILLING CODE 4310–MN–M**

## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### Proposed Information Collection Request Submitted for Public Comment and Recommendations; Fire Protection (Underground Coal Mines)

**ACTION:** Notice.

**SUMMARY:** 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. 3506 (c)(2)(A)]. This 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 collection requirements on respondents can be properly assessed.

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the extension of the information collection related to the 30 CFR 75.1100–3, 75.1103–8, 75.1103–11, and 75.1501; Fire Protection (Underground Coal Mines) and Mine Emergency Evacuation.

**DATES:** Submit comments on or before July 10, 2006.

**ADDRESSES:** Send comments to U.S. Department of Labor, Mine Safety and Health Administration, John Rowlett, Director, Management Services Division, 1100 Wilson Boulevard, Room

2134, Arlington, VA 22209–3939. Commenters are encouraged to send their comments on a computer disk, or via Internet e-mail to [Rowlett.John@dol.gov](mailto:Rowlett.John@dol.gov), along with an original printed copy. Mr. Rowlett can be reached at (202) 693–9827 (voice), or (202) 693–9801 (facsimile).

**FOR FURTHER INFORMATION CONTACT:** Contact the employee listed in the **ADDRESSES** section of this notice.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Under 30 CFR 75.1100–3, chemical fire extinguishers must be examined every 6 months and the date of the examination recorded on a permanent tag attached to the extinguisher. Under § 75.1103–8, a qualified person must examine the automatic fire sensor and warning device systems on a weekly basis, and must conduct a functional test of the complete system at least once a year. Under § 75.1103–11, each fire hydrant and hose must be tested at least once a year, and the records of those tests shall be kept in an appropriate location. Under § 75.1501, mine operators are to train all miners on the requirements and identity of the responsible person designated for emergency evacuation. Under § 75.1502, the program of instruction requires revisions to existing fire-fighting and evacuations plans to address emergencies, and requires training of miners regarding the mine emergency evacuation fire fighting plan for all emergencies created as a result of a fire, an explosion, or a gas or water inundation.

##### II. Desired Focus of Comments

MSHA is particularly interested in comments that:

- 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 submissions of responses.

A copy of the proposed information collection request can be obtained by contacting the employee listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice, or viewed on the Internet by accessing the MSHA home page (<http://www.msha.gov>) and then choosing “Statutory and Regulatory Information” and “Federal Register Documents.”

##### III. Current Actions

30 CFR 75.1100–3, 75.1103–8, 75.1103–11, 75.1501 and 75.1502 requires chemical fire extinguishers to be examined every 6 months; requires operators to establish a program for the instruction of all miners in the proper fire fighting and evacuation procedures in the event of an emergency; requires operators to conduct fire drills; requires a qualified person to examine the automatic fire sensor and warning device systems; and requires that each fire hydrant and hose be tested; requires the mine operator to train all miners about the requirements of this section and the identity of the responsible person(s) designated by the operator for the work-shift. The operator also is required to instruct miners of any change in the identity of the responsible person before the start of their work-shift and any change during the shift; includes all mine emergencies created as a result of a fire, an explosion, or a gas or water inundation in the program of instruction. This section required revisions to existing fire-fighting and evacuations plans to address these emergencies, required training of miners regarding the mine emergency evacuation fire-fighting plan, and requires that mine operators train miners in any revisions to the plan after its submission to MSHA for approval.

*Type of Review:* Extension.

*Agency:* Mine Safety and Health Administration.

*Title:* Fire Protection (Underground Coal Mines).

*OMB Number:* 1219–0054.

*Frequency:* On Occasion.

*Affected Public:* Business or other for-profit.

*Respondents:* 634.

*Responses:* 324,505.

*Total Burden Hours:* 51,580 hours.

*Total Burden Cost (operating/maintaining):* \$0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated at Arlington, Virginia, this 3rd day of May, 2006.

David L. Meyer,

Director, Office of Administration and Management.

[FR Doc. E6-7001 Filed 5-8-06; 8:45 am]

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## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### Section 110(c) of the Federal Mine Safety and Health Act of 1977; Interpretation

**AGENCY:** Mine Safety and Health Administration (MSHA), Department of Labor.

**ACTION:** Interpretive bulletin.

**SUMMARY:** This Interpretive Bulletin sets forth a statement of the Secretary of Labor's interpretation of Section 110(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 820(c), as it relates to agents of Limited Liability Companies (LLCs). The Interpretive Bulletin is considered an interpretive rule and provides an explanation of the Secretary's interpretation of Section 110(c) and the rationale supporting that interpretation. For the reasons set forth below, the Secretary's interpretation is that Section 110(c) of the Mine Act is applicable to agents of LLCs. The effect of the Secretary's interpretation is that agents of LLCs may be held personally liable under Section 110(c) of the Mine Act if they knowingly authorize, order, or carry out a violation of any mandatory health or safety standard under the Act or a violation of or failure or refusal to comply with any order issued under the Act or any order incorporated in a final decision issued under certain provisions of the Act.

**DATES:** Comments on this Interpretive Bulletin are due June 8, 2006. The Interpretive Bulletin is scheduled to be put into effect July 10, 2006.

**ADDRESSES:** You may use mail, facsimile (fax), or electronic mail to send us your comments regarding this Interpretive Bulletin. Clearly identify your request and send it one of the following ways:

(1) Fax: (202) 693-9441. Include "Interpretive Bulletin regarding Limited Liability Companies" in the subject line of the fax.

(2) By electronic mail to [zzMSHA-comments@dol.gov](mailto:zzMSHA-comments@dol.gov). Include "Interpretive Bulletin regarding Limited Liability Companies" in the subject line of your electronic mail.

(3) Mail/Hand Delivery/Courier: MSHA, Office of Standards,

Regulations, and Variances, 1100 Wilson Blvd., Room 2350, Arlington, Virginia 22209-3939. If hand-delivered in person or by courier, you must stop by the 21st floor first to check in with the receptionist.

**Docket:** To access comments electronically, go to <http://www.msha.gov> and click on "Comments" under "Rules and Regulations." All comments received will be posted without change at this Web address, including any personal information provided. Paper copies of the comments may also be reviewed at the Office of Standards, Regulations, and Variances, 1100 Wilson Blvd., Room 2349, Arlington, Virginia.

**FOR FURTHER INFORMATION CONTACT:** Patricia W. Silvey, Acting Director, Office of Standards, Regulations, and Variances, MSHA, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209-3939. Ms. Silvey can be reached at [Silvey.Patricia@DOL.GOV](mailto:Silvey.Patricia@DOL.GOV). (Internet E-mail), (202) 693-9440 (voice), or (202) 693-9441 (facsimile).

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#### SUPPLEMENTARY INFORMATION Introductory Statement

The Secretary of Labor is responsible for interpreting and applying statutes she is authorized to administer. More specifically, Congress delegated to the Secretary, acting through MSHA, the authority to administer the Mine Act. See *Secretary of Labor v. Excel Mining, LLC*, 334 F.3d 1, 5-7 (D.C. Cir. 2003); *Secretary of Labor on behalf of Wamsley v. Mutual Mining, Inc.*, 80 F.3d 110, 113-14 (4th Cir. 1996). The interpretation and application of statutory terms to particular factual circumstances is an ongoing process. Publication of all interpretive positions taken by the Secretary is impossible; at times, however, the Secretary has found it useful as a means of notifying the public in general, and interested segments of the public in particular, to publish an Interpretive Bulletin or other documents setting forth the Secretary's interpretive positions with respect to particular provisions of statutes she administers.

The question has arisen whether Section 110(c) of the Mine Act is applicable to agents of LLCs. The LLC is a relatively new business entity which combines the limited liability provided by a corporation with the "pass-through" tax treatment accorded to a partnership. LLCs are like

corporations in that they shield individuals from personal liability; for that reason, they raise concerns similar to those which led Congress to enact Section 110(c).

The status of LLCs under Section 110(c) has become a significant issue under the Mine Act because, in recent years, the number of mine operators organized as LLCs has steadily increased. According to MSHA records, 782 of the Nation's 7,287 active mine operators—approximately 10 percent—now identify themselves as LLCs. The actual number may be significantly greater because MSHA's mine identification forms do not list "LLC" as an option and many LLCs may not identify themselves as LLCs. A number of the Nation's large operators are LLCs.

The purpose of this Interpretive Bulletin is to make the public aware of the Secretary's interpretation of the applicability of Section 110(c) to agents of LLCs—an interpretation the Secretary will apply in administering and enforcing the Mine Act. The Secretary is soliciting comments on the Interpretive Bulletin and will carefully review all comments received. The Secretary believes, however, that the position set forth in the Interpretive Bulletin represents an "interpretive rule" as that term is used in the Administrative Procedure Act, and is therefore not required to go through notice-and-comment rulemaking. See 5 U.S.C. § 553(b)(3)(A); *AMC v. MSHA*, 995 F.2d 1106, 1108-13 (D.C. Cir. 1993). So that the Secretary may carefully consider all comments received, the Interpretive Bulletin is scheduled to be put into effect 60 days after it is published in the **Federal Register**.

#### Limited Liability Companies

The LLC is a hybrid business entity first recognized in 1977 by the State of Wyoming. LLCs did not attain any significant popularity until 1988; however, when the Internal Revenue Service announced that LLCs could be taxed as partnerships despite their corporation-like liability shield. When the IRS announced in 1997 that LLCs could elect pass-through taxation without regard to the number of corporation-like characteristics they possessed, the number of LLCs grew dramatically.

#### Text and History of Section 110(c)

Section 110(c) of the Mine Act states as follows:

Whenever a *corporate operator* violates a mandatory health or safety standard or knowingly violates or fails or refuses to comply with any order issued under this Act or any order incorporated in a final decision