

**ADOPTED REGULATION OF THE
COMMISSION ON MINERAL RESOURCES**

LCB File No. R050-25

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§ 1 and 2, NRS 513.063.

A REGULATION relating to mines; revising requirements concerning the confidentiality of certain information submitted to the Administrator of the Division of Minerals of the Commission on Mineral Resources; revising the date upon which certain annual reports are required to be submitted to the Administrator; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Commission on Mineral Resources to adopt regulations to carry out the duties of the Commission and the Division of Minerals of the Commission. (NRS 513.063)

Existing regulations set forth procedures by which a person who submits certain information to the Administrator may assert a claim requesting that the information be kept confidential. With certain exceptions, existing regulations require information for which such a claim is asserted to be kept confidential. Existing regulations prohibit the Administrator from classifying certain information as confidential including, among other information, information required to be submitted to the Administrator that relates to the annual production of the commodity. (NAC 513.070) **Section 1** of this regulation creates a limited exception from that prohibition for certain production information under certain circumstances. Under **section 1**, if a person, on or before April 15 of any year, submits to the Administrator information concerning the annual production of the commodity for the immediately preceding year, the person may assert a claim at the time of submission requesting that the information be kept confidential. If a person asserts such a claim at the time of submission, **section 1** requires the information to be kept confidential until April 15 of that year. **Section 1** maintains the prohibition against classifying information concerning the annual production of the commodity as confidential for any such information submitted to the Administrator for which a claim is not asserted.

Section 2 of this regulation revises, from April 15 of each year to February 16 of each year, the date upon which each operator of a mine is required to submit to the Administrator a report relating to the annual status and production of the mine for the preceding calendar year.

Section 1. NAC 513.070 is hereby amended to read as follows:

513.070 1. Except as otherwise provided in subsection 4, any information submitted to the Administrator pursuant to the provisions of NAC 513.010 to 513.120, inclusive, may be classified as confidential by the person submitting the information. If the person submitting the information wishes the Administrator to consider the information confidential, the claim must be asserted at the time of submission by stamping or writing “confidential business information” on each page containing the information.

2. If a claim is asserted, the information so kept must remain confidential except that the information may be used in connection with other data if use of that information would not disclose the identity of the confidential information.

3. If a claim is not made at the time of submission, the Administrator may make the information available to the public without further notice.

4. The Administrator will not classify as confidential any information required to be submitted to him or her pursuant to the provisions of NAC 513.010 to 513.120, inclusive, if the information relates to:

- (a) The name and address of the person conducting the operation of the mine;
- (b) ~~The~~ *Except as otherwise provided in subsection 5, the* annual production of the commodity;
- (c) The amount of the tax on the net proceeds of a mine and the amount of the tax on the property of the operation; or
- (d) The number of persons employed by a mine.

5. A person who, before April 15 of any calendar year, submits information to the Administrator relating to the annual production of the commodity for the immediately preceding year may assert a claim at the time of submission in accordance with subsection 1 requesting that the Administrator consider the information to be confidential. If such a claim is asserted at the time of submission, the information must be kept confidential until April 15 of the year in which the information is submitted. On and after that date, the information is no longer confidential.

Sec. 2. NAC 513.120 is hereby amended to read as follows:

513.120 On or before ~~April 15~~ *February 16* of each year, each operator shall submit to the Administrator a report relating to the annual status and production of the mine for the *immediately* preceding calendar year.