

**STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INDUSTRIAL RELATIONS**

IN THE MATTER OF THE ADOPTION OF PERMANENT REGULATION RELATING TO PUBLIC SAFETY; REQUIRING AN OPERATOR OF A MINE TO NOTIFY THE ADMINISTRATOR OF THE DIVISION OF INDUSTRIAL RELATIONS OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF CERTAIN ACTIVITIES RELATING TO THE OPENING AND CLOSING OF MINE OPERATIONS; PROVIDING FOR THE USE OF THE INSPECTION SERVICES OF THE MECHANICAL COMPLIANCE SECTION OF THE DIVISION TO CONDUCT CERTAIN INSPECTIONS OF MINES; REQUIRING AN OPERATOR OF A MINE TO REPORT CERTAIN ACCIDENTS, INJURIES AND ILLNESSES TO THE CHIEF ADMINISTRATIVE OFFICER OF THE MINE SAFETY AND TRAINING SECTION OF THE DIVISION; REQUIRING ALL POTABLE WATER HEATERS TO BE INSPECTED EXTERNALLY PERIODICALLY; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS
AS REQUIRED BY NRS 233B.066
LCB FILE NO. R033-20**

INFORMATIONAL STATEMENT

The following statement is submitted for adopted amendments to Chapter 512 of the Nevada Administrative Code (NAC).

1. A clear and concise explanation of the need for the adopted regulation.

The Division of Industrial Relations, Mine Safety and Training Section (MSATS) proposed amendments to Chapter 512 of the Nevada Administrative Code (NAC). The proposed regulations authorize any qualified Division staff to inspect elevators, boilers and pressure vessels at mine sites; clarifies NRS 512.160 regarding opening and closing mine operations; amends the definition of “Operators” in NAC 512.100; and updates contact information, among other things.

2. A description of how public comment was solicited, a summary of public responses, and an explanation of how other interested persons may obtain a copy of the summary.

Copies of the proposed regulation, notice of workshop and notice of intent to act upon a regulation were sent by e-mail to 90 various Nevada mining operations who were known to have an interest in the subject of Chapter 512 of the NAC concerning mine safety in Nevada, as well as any persons who had specifically requested such notice. These documents were also made available at the websites of the State of Nevada and the Department of Business and Industry, Division of Industrial Relations (www.dir.nv.gov/Meetings/Meetings).

The requirements set forth in NRS 241.020(4)(a) for the physical posting of agendas for public meetings was suspended in Governor Sisolak's March 22, 2020 Declaration of Emergency Directive 006.

A copy of this summary of the public response to the proposed regulations may be obtained from Donald C. Smith, Esq. at the Division of Industrial Relations, Legal Department, 3360 W. Sahara Ave., #250, Las Vegas, NV 89102, telephone at 702-486-9071, or e-mail to donalddsmith@dir.nv.gov.

3. The number of persons who:

- (a) Attended each hearing;**
- (b) Testified at each hearing; and**
- (c) Submitted to the agency written comments.**

4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information, if provided to the agency conducting the hearing:

- (a) Name;**
- (b) Telephone number;**
- (c) Business address;**
- (d) Business telephone number;**
- (e) Electronic mail address; and**
- (f) Name of entity or organization represented.**

At the **October 19, 2020, Workshop**, which was held by Webex videoconference and also available by telephone and streamed on Microsoft Linc and Skype, eight (8) people attended; with no testimony or comments being offered.

No written comments were received before the October 19, 2020 public workshop or during the comment period through October 26, 2020.

At the **December 7, 2020, public hearing** on adopting the regulations, which was held by Webex videoconference; also available by telephone and streamed on Microsoft Linc and Skype, two (2) people attended and there was no testimony or comments offered.

No written comments were received on or before the December 14, 2020 deadline, following the December 7, 2020 public hearing regarding the adoption of these regulations.

5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

The Division contacted 90 various Nevada mining operations, large and small, including but not limited to the Nevada Mining Association, Nevada Gold Mines, Kinross, Scorpio Gold, Midway Gold and Premier Magnesia along with drilling and exploration operations including Boart Longyear, National and Ledcore drilling. None of the operations contacted responded to the proposed regulation notifications.

A copy of this summary of the public response to the proposed regulations may be obtained from Donald C. Smith, Esq. at the Division of Industrial Relations, Legal Department, 3360 W. Sahara Ave., #250. Las Vegas, NV 89102, by telephone at 702-486-9070, or e-mail to donaldcsmith@dir.nv.gov.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulations without change.

No revisions were suggested at the October 19, 2020 or December 7, 2020 hearings and no written comments were received by October 26, 2020 or December 14, 2020.

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:

- (a) Both adverse and beneficial effects; and**
- (b) Both immediate and long-term effects.**

The Division anticipates no adverse effects, either direct or indirect, on regulated businesses as the result of these regulations. The adverse effects, if any, are difficult to determine at this time. There will be no direct or indirect cost to regulated or small businesses.

The Division believes that there will be no beneficial effects, either direct or indirect, on regulated or small businesses as the result of these regulations.

The Division does not anticipate any immediate effects, either adverse or beneficial, on regulated businesses as a result of these regulations. There will be no direct or indirect costs to regulated or small businesses.

The Division does not anticipate any long-term effects, either adverse or beneficial, on regulated businesses as a result of these regulations. There will be no direct or indirect costs to regulated or small businesses.

The Division anticipates no adverse effects, either direct or indirect, on the public as the result of these regulations. There will be no direct or indirect cost to the public.

The Division believes that there will be no beneficial effects, either direct or indirect, on the public as the result of these regulations.

The Division does not anticipate any immediate effects, either adverse or beneficial, on the public as a result of these regulations. There will be no direct or indirect costs to the public.

The Division does not anticipate any long-term effects, either adverse or beneficial, on the public as a result of these regulations. There will be no direct or indirect costs to the public.

8. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of these regulations.

9. A description of any regulations of other state or government agencies, which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other state or government agency regulations that the proposed regulations duplicate.

10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

The proposed regulations do not include any provisions which duplicate or are more stringent than existing federal, state or local standards.

11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The proposed regulation does not provide for a new fee or increase an existing fee payable to the Division.

12. Is the proposed regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use in determining the impact of the regulation on a small business?

The Administrator has determined that the proposed regulation does not impose a direct and significant economic burden upon a small business or restrict the formation, operation or expansion of a small business.

Dated this 6th day of January, 2021.

By: */s/ Donald C. Smith*
Donald C. Smith, Esq., Division Counsel
Department of Business and Industry
Division of Industrial Relations
3360 W. Sahara Ave., #250
Las Vegas, NV 89102