



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

INFORMATIONAL STATEMENT OF ADOPTED REGULATIONS
AS REQUIRED BY NRS 233B.066

The following informational statement as required by NRS 233B.066 is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapters 455C and 512 as follows:

1. EXPLANATION OF THE NEED FOR THE ADOPTED REGULATION

On January 12, 2023, Nevada Governor Joe Lombardo issued Executive Order 2023-003, requiring every executive branch department, agency, board, and commission to undertake a comprehensive review of the regulations subject to its enforcement and provide details on how the regulation can be streamlined, clarified, reduced, or otherwise improved to ensure those regulations provide for the general welfare of the State without unnecessarily inhibiting economic growth. Executive Order 2023-003 further required every executive branch department, agency, board, and commission to provide a list of regulations recommended for removal. The Division of Industrial Relations, Mine Safety and Training Section ("MSATS") undertook such review and the proposed regulations, and amendments thereto, are in furtherance of the Division's compliance with Executive Order 2023-003. Specifically, R026-23 revises provisions relating to the safety of boilers and pressure vessels in the context of mines for consistency with similar provisions governing boilers, pressure vessels and water heaters generally; prohibits the operation of a new boiler, pressure vessel or water heater in this State under certain circumstances; and provides other matters properly relating thereto.

Further, Executive Order 2023-008, issued June 30, 2023, notes that the executive agencies, boards, and commissions subject to Executive Order 2023-003 shall begin the process of repealing, streamlining, clarifying, reducing, or otherwise improving regulations. This proposed regulation seeks to comply with Executive Order 2023-008.

2. DESCRIPTION OF HOW PUBLIC COMMENT WAS SOLICITED, A SUMMARY OF PUBLIC RESPONSE, AND AN EXPLANATION OF HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY.

Copies of the proposed regulation, notices of workshop, and notice of intent to act upon the regulation were sent by e-mail to persons who were known to have an interest as well as any persons who had specifically requested such notice, if any. These documents were also made available at the Division's website, <http://dir.nv.gov/Meetings/Meetings>, with the notices also posted at the following locations:

The State of Nevada Website (www.notice.nv.gov)

The Nevada State Legislature Website (<http://leg.state.nv.us/App/Notice/A/>)

The Division of Industrial Relations Website (<http://dir.nv.gov/Meetings/Meetings>)

An initial Public Hearing with key industry stakeholders was held pursuant to Executive Order 2023-003 on May 4, 2023 to: (1) vet the recommended changes; (2) solicit input as to the merits of those changes; and (3) identify other regulatory changes stakeholders felt were worthy of consideration. No public comments were received regarding the regulation changes proposed by the Division to NAC Chapter 512.

Thereafter, a Workshop was held to solicit comments on the proposed regulation on July 2, 2024. No public comments were received during the workshop. At the conclusion of the workshop, the Division invited members of the public to submit written public comment. No written public comment was received.

The Division then held a Public Adoption Hearing on August 23, 2024. No public comments were received. Again, at the conclusion of the Public Hearing, the Division invited members of the public to submit written public comment. No written public comments were received.

A summary may be obtained by contacting Rosalind Jenkins, Legal Secretary II, Division of Industrial Relations, (702) 486-9014, or by writing to the Division of Industrial Relations, 3360 W. Sahara Ave., Ste. 250, Las Vegas, Nevada 89102.

3. THE NUMBER OF PERSONS WHO:

- a. ATTENDED MAY 4, 2023 PUBLIC HEARING: 46
- b. ATTENDED JULY 2, 2024 WORKSHOP: 11
- c. ATTENDED AUGUST 23, 2024 PUBLIC HEARING: 5
- d. TESTIFIED AT MAY 4, 2023 PUBLIC HEARING (regarding changes to NAC Chapters 455C and 512 relative to mines): 0
- e. TESTIFIED AT JULY 2, 2024 WORKSHOP: 0
- f. TESTIFIED AT AUGUST 23, 2024 PUBLIC HEARING: 0
- g. SUBMITTED WRITTEN COMMENTS RELATED TO MAY 4, 2023 PUBLIC HEARING: 0
- h. SUBMITTED WRITTEN COMMENTS RELATED TO JULY 2, 2024 WORKSHOP: 0
- i. SUBMITTED WRITTEN COMMENTS RELATED TO AUGUST 23, 2024 PUBLIC HEARING: 0

4. FOR EACH PERSON IDENTIFIED IN PARAGRAPHS (d), (e), and (f) OF NUMBER 3 ABOVE, THE FOLLOWING INFORMATION, IF PROVIDED TO THE AGENCY CONDUCTING THE HEARING:

| May 4, 2023 Public Hearing | |
|----------------------------|---|
| 1 | Name: N/A Telephone number: None received Business address: None received |

| |
|--|
| Business telephone number: None received Electronic mail address: None received Name or organization represented: None received Summary of comment: N/A |
|--|

| July 2, 2024 Workshop | |
|------------------------------|--|
| 1 | Name: N/A Telephone number: None received Business address: None received Business telephone number: None received Electronic mail address: None received Name or organization represented: None received Summary of comment: N/A |

| August 23, 2024 Public Hearing | |
|---------------------------------------|--|
| 1 | Name: N/A Telephone number: None received Business address: None received Business telephone number: None received Electronic mail address: None received Name or organization represented: None received Summary of comment: N/A |

5. DESCRIPTION OF HOW COMMENT WAS SOLICITED FROM AFFECTED BUSINESSES, A SUMMARY OF THEIR RESPONSE, AND AN EXPLANATION OF HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY.

To determine whether the proposed regulations were likely to have an impact on small businesses, the Division considered the purpose and scope of the proposed regulations. The proposed regulations revise provisions of NAC 512 as well as pertinent portions of NAC 455C by revising provisions relating to the safety of boilers and pressure vessels in the context of mines for consistency with similar provisions governing boilers, pressure vessels and water heaters generally; prohibiting the operation of a new boiler, pressure vessel or water heater in this State under certain circumstances; and providing other matters properly relating thereto.

In addition, on May 21, 2024, the Division sent out a Small Business Impact Statement Questionnaire to interested parties on the Division’s Listserv, which includes 130 recipients. Moreover, the Questionnaire was posted on the Division’s website. The Questionnaire inquired from small businesses whether they believed there would be any economic effects, adverse or beneficial, direct or indirect, on their respective businesses from the proposed regulation. The deadline to return the questionnaire was May 29, 2024. As of the undersigned date, the Division received three (3) responses as follows:

1. Hiliary N. Wilson, on behalf of Nevada Gold Mines LLC – Ms. Wilson indicated that Nevada Gold Mines, LLC, employed 150 employees or more in her response.

2. Troy Pierson, on behalf of Spec Aggregates – Mr. Pierson did not believe that the proposed regulation would have any economic effects, adverse or beneficial, on his business. Mr. Pierson also indicated that he did not believe that the proposed regulation would have any indirect effects, adverse or beneficial, on his business.
3. Justin Semadeni, on behalf of TonaTec Exploration, LLC – Mr. Semadeni did not believe that the proposed regulation would have any economic effects, adverse or beneficial, on his business. Mr. Semadeni also indicated that he did not believe that the proposed regulation would have any indirect effects, adverse or beneficial, on his business.

Upon receipt and review of the responses, the Division found that none of the businesses who responded to the Questionnaire believed there was an economic impact, either adverse or beneficial, on their respective businesses. Based on this review, the Division determined that this regulation would have no direct effect on small businesses, either adverse or beneficial, and will also have no indirect effect on small businesses, either adverse or beneficial.

A summary may be obtained by contacting Rosalind Jenkins, Legal Secretary II, Division of Industrial Relations, (702) 486-9014, or by writing to the Division of Industrial Relations, 3360 W. Sahara Ave., Ste. 250, Las Vegas, Nevada 89102.

6. IF THE REGULATION WAS ADOPTED WITHOUT CHANGING ANY PART OF THE PROPOSED REGULATION, A SUMMARY OF THE REASONS FOR ADOPTING THE REGULATION WITHOUT CHANGE.

The Division provided several opportunities for members of the public and key industry stakeholders to provide feedback on the proposed regulations, including the May 4, 2023 Public Hearing, July 2, 2024 Workshop, and August 23, 2024 Public Hearing. No public comment was received.

7. THE ESTIMATED ECONOMIC EFFECT OF THE REGULATION ON THE BUSINESS WHICH IT IS TO REGULATE AND ON THE PUBLIC. THESE MUST BE STATED SEPARATELY, AND IN EACH CASE MUST INCLUDE:

A. ADVERSE AND BENEFICIAL EFFECTS

i. Effect on Businesses

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

ii. Effect on the Public

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.

B. IMMEDIATE AND LONG-TERM EFFECTS

i. Effect on Businesses

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 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 the regulated businesses.

ii. Effect on the Public

The Division does not anticipate any immediate effects, either immediate or long-term, 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 PROPOSED REGULATION

There will be no additional or special costs incurred by the Division for enforcement of this regulation.

9. DESCRIPTION OF ANY REGULATIONS OF OTHER STATE OR GOVERNMENT AGENCIES WHICH THE PROPOSED REGULATIONS 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.

The Division is not aware of any similar regulations of other state or government agencies that which the proposed regulations overlap or duplicate.

10. IF THE REGULATION INCLUDES PROVISIONS WHICH ARE MORE STRINGENT THAN A FEDERAL REGULATION WHICH REGULATES THE SAME ACTIVITY, A SUMMARY OF SUCH PROVISIONS.

The Division is not aware of any similar federal regulations of the same activity in which the adopted regulations are more stringent.

///

///

///

///

///

11. IF THE REGULATION PROVIDES A NEW FEE OR INCREASES AN EXISTING FEE, THE TOTAL AMOUNT THE AGENCY EXPECTS TO COLLECT AND THE MANNER IN WHICH THE MONEY WILL BE USED.

The proposed regulation does not include a new fee or an increase of an existing fee.

Dated this 28th day of August, 2024.

DIVISION OF INDUSTRIAL RELATIONS

By: Victoria Carreón

Victoria Carreón
Administrator, Division of Industrial Relations
3360 W. Sahara Ave., Ste. 250
Las Vegas, Nevada 89102